

Index—Digest of Acts of The 1949 Ohio General Assembly

AID FOR THE AGED — cost of outpatient service to recipients of.

The cost of customary services rendered recipients of aid for the aged by outpatient departments of non-profit hospitals may be paid by the division of aid for the aged, without regard to the prescribed limitations on the amount of aid. [Amended Senate Bill No. 188, effective date October 18, 1949, OHIO GEN. CODE § 1359-3 (amended).]

AID FOR THE AGED division authorized to receive gifts.

The division of aid for the aged in the Department of Public Welfare is authorized to receive any gift, grant, devise or bequest made either to the state or to the division for the use of the aid program. The chief of division is authorized to designate the use of any such gift not inconsistent with the aid program or the terms of the gift. [Amended Senate Bill No. 347, effective date October 7, 1949, OHIO GEN. CODE § 1359-22a (enacted).]

AGRICULTURAL AND VEGETABLE SEEDS — law regulating rewritten.

See Seed law rewritten, this index.

AGRICULTURAL SOCIETIES — power to appropriate land for fair purposes.

The existing code section dealing with the appropriation of land by county agricultural societies is repealed and a new section substituted. The new section provides for the initiation of proceedings by filing a plat and description of the land either with the probate judge or the court of common pleas in the county in which the land is located. The old section referred to the probate judge only. [Amended House Bill No. 197, effective date September 26, 1949, OHIO GEN. CODE § 9909 (repealed); § 9885-1 (enacted).]

ALCOHOLICS—commission created to study problem and treatment.

A nine-member commission is created to study the problem of persons afflicted with chronic alcoholism and the feasibility of the treatment of such cases in state institutions. [Amended House Bill No. 446, effective date October 14, 1949.]

AUCTIONS — license required, duty eliminated.

The requirement that anyone offering property for sale at public auction be a licensed auctioneer formerly exempted sales of "utensils of husbandry, household furniture, real estate, produce, horses, sheep, hogs and neat cattle." The exemption is now eliminated, so that all sales of "property or effects" must now be made by a licensed auctioneer. The maximum license fee which the court of common pleas, which issues auctioneers' licenses, may impose is reduced to \$25 from \$500.

The sections imposing a duty of from seventy five cents to two dollars for each hundred dollars of property sold, and providing enforcement machinery for the collection of the duty, were repealed. [Amended Substitute House Bill No. 451, effective date October 25, 1949, OHIO GEN. CODE §§ 5866 and 5869 (amended); OHIO GEN. CODE §§ 5870 to 5882, inclusive (repealed).]

ASSIGNMENT COMMISSIONERS — increase in maximum salary for.

See Salary, this index.

AUDITOR OF STATE may appoint additional deputy inspector.

The Auditor of State is authorized to appoint not exceeding three (formerly two) deputy inspectors and supervisors in the bureau of inspection and supervision of public offices. Not more than two deputies shall belong to the same political party. [Amended Senate Bill No. 104, effective date August 25, 1949, OHIO GEN. CODE § 274 (amended).]

AUTOMOBILE — Certificates of title.

Simplified forms are prescribed of (1) the "application for a certificate of title" which must appear on the reverse of each certificate of title and manufacturer's or importer's certificate, (2) the "manufacturer's or importer's certificate" and (3) the "assignment of a manufacturer's or importer's certificate" which must appear on the reverse of a manufacturer's or importer's certificate. No change of substance appears to be involved. [Amended Senate Bill No. 308, effective date October 21, 1949, OHIO GEN. CODE § 6290-13 (amended).]

BAIL — power of reviewing courts to admit to.

A reviewing court, or any judge thereof, to which an appeal is taken is given the same power to suspend sentence during the pendency of the appeal and to admit the defendant to bail as pos-

sessed by the inferior tribunal from which the appeal is taken. See *State v. McGee*, 13 Ohio Ops. 123, *app. dismissed* 134 Ohio St. 426, holding a court of appeals could suspend sentence but not admit to bail. [Amended House Bill No. 271, effective date October 25, 1949, OHIO GEN. CODE § 13459-8(a) (enacted).]

BANG'S DISEASE (brucellosis) — control of.

The provisions for the control of Bang's disease (now referred to as "brucellosis") were extensively revised. The changes include a shift in emphasis from slaughter to vaccination or quarantine of diseased cattle, although slaughter may apparently still be ordered under Sections 1108-4 and 1108-7. (The reference in the former section to Section 1108-18 appears to be an error.) Thus, the owners of seventy-five per cent of the cattle in an area may petition for a brucellosis test, as heretofore, or for administration of an approved vaccine; and the provision that where ninety per cent of the cattle in an area have been tested, an authorized veterinarian may enter the premises where the remaining ten per cent are kept and test them, now provides that the reactors may be ordered "identified and quarantined" rather than "destroyed." Again, Section 1108-7, which authorizes the department of agriculture, when it suspects a herd is diseased, to have the cattle tested, now states that diseased cattle shall be "disposed of or quarantined," the alternative "or quarantined" having been added.

A second major change is the elimination of the provisions for appraisal of diseased cattle and payment of indemnity for those destroyed. Apparently this means that Sections 1114 and 1115, relating to the destruction, appraisal and payment for diseased animals generally, are now applicable in the event cattle are ordered destroyed.

The administrative provisions of the act have been strengthened, primarily by the grant of general authority, and in several instances specific authority, to the director of agriculture to issue regulations. [Amended Senate Bill No. 372, effective date October 25, 1949, OHIO GEN. CODE §§ 1108-1 through 1108-5, 1108-7 through 1108-17 and 1108-19 through 1108-23 (amended).]

BANKS, INSURANCE COMPANIES, FIDUCIARIES — investments by

State banks, domestic life insurance companies, domestic insurance companies other than like societies for savings and savings societies and fiduciaries are authorized to invest in obligations issued,

assumed or guaranteed by the International Bank for Reconstruction and Development. The authority is subject, in the case of fiduciaries, to the conditions the obligations are rated in either the highest or next highest classification established by at least one standard rating service.

The effect of this legislation is to give to state banks not members of the Federal Reserve System (and the other institutions named) the same right to invest in obligations of the International Bank already enjoyed by national banks and state banks which are members of the Federal Reserve System. The legislature's action was presumably occasioned by the opinion of the Attorney General, 1947 A.G. Opns. No. 2132. The Attorney General ruled that obligations of the International Bank were not eligible investments of state banks as "Marketable obligations * * * of any corporation * * *" The opinion went on the ground the International Bank was not a corporation because it had not been established by a sovereign power, but by an agreement among (sovereign) governments. The opinion recognized that state banks which are members of the Federal Reserve System could invest in the International Bank's obligations, since by virtue of General Code Section 710-5 such banks are, pursuant to the Federal Reserve Act, subject in this respect to the same limitations and conditions as national banks (Title 12, Sec. 335 U.S.C.), national banks may invest in "marketable obligations, evidencing indebtedness of any person, copartnership, association or corporation" (Title 12, Sec. 24 U.S.C.) and the International Bank may be considered an association. Moreover the Comptroller of the Currency had on May 29, 1947, announced that national banks might purchase debentures of the International Bank.

Loans insured by "the secretary of agriculture of the United States of America under title I of the Bankhead-Jones farm tenant act as amended" are exempted from the limitations on real estate loans imposed on state banks, and insurance companies other than life are authorized to invest both capital and surplus in loans so insured. Loans so insured may likewise be deposited to fulfill the requirements for the deposit of securities by insurance companies, domestic or foreign, life or other than life, and loans made to members of building and loan associations may be secured by loans so insured. These changes were occasioned by amendments of August 14, 1946, (c. 964, Sec. 5, 60 Stat. 1072) and June 19, 1948, (c. 551, Secs. 2-5, 62 Stat. 534) to Sections 1001-1005 (d), Title 7 U.S.C., conferring authority to insure such loans upon the Secretary of Agriculture.

The transfer to the Federal Housing Commissioner of the func-

tions of the Federal Housing Administrator by Reorganization Plan 3 of 1947, effective July 27, 1947, 12 Federal Register 4981, July 26, 1947, prompted amendments to General Code Sections 710-111 and 710-112, relating to investments by banks and limitations on bank loans, secured by real estate. These sections accord special status to loans insured by the federal housing administrator, and in all such provisions the words "or commissioner" have been added. There are of course frequent references to the Federal Housing Administrator in other comparable sections of the General Code, but they were not amended.

A further amendment exempts from the restrictions on bank loans secured by real estate "Any loan which is, or which upon completion will be, insured as a class 3 loan under title I of the national housing Act." Part II of the "Regulations of the Federal Housing Commissioner governing Class 3 loans, effective July 1, 1947," as amended August 19, 1947, defines such Class 3 loans as "* * * any loan made under these Regulations for the purpose of financing the construction of a new structure to be used in whole or in part for residential purposes."

The Banking Chapter of the General Code was amended in other respects, unrelated to the foregoing. A further amendment of Section 710-112 exempts from the restrictions and limitations on bank loans secured by real estate loans made to "established industrial or commercial businesses," not otherwise described, or prescribed conditions. A new section, 710-133a, permits a bank which has received an item payable by, at or through it, and has given credit therefor before midnight of the day of receipt to dishonor or return payment and to revoke credit. Notice of dishonor must be sent before midnight of the next business day and revocation of credit must be made within the same time. The purpose of the Section is substantially the same as that of Section 3-630 of the proposed Uniform Commercial Code.

Other amendments permit bank records to be preserved by photostatic copies, and expand and clarify the provisions regarding the accounts of minors. [Amended Senate Bill No. 103, effective date September 14, 1949, OHIO GEN. CODE §§ 710-111, 710-112, 710-118, 710-119 and 710-121 (amended) and 710-133a (enacted); Amended House Bill No. 423, effective date October 21, 1949, OHIO GEN. CODE § 10506-41 (amended); Amended House Bill No. 424, effective date October 25, 1949, OHIO GEN. CODE § 9519 (amended); Amended House Bill No. 574, effective date July 26, 1949, (emergency), OHIO GEN. CODE §§ 9518, 9518-2, 9519, 9657-1 (amend-

ed); Amended House Bill No. 422, effective date October 21, 1949, OHIO GEN. CODE § 9537-1 (amended).]

BANKS — official may act as notary in bank cases.

See Notary public, this index.

BARBITURATES — delivery limited and regulated.

It is unlawful to deliver barbiturates, defined as the salts and derivatives of barbituric acid, having hypnotic or somnifacient action, and compounds, preparations and mixtures thereof, unless such delivery is made by a pharmacist on prescription by a practitioner or by the practitioner himself. It is unlawful to possess a barbiturate unless it was obtained in accordance with this act. Containers in which barbiturates are delivered must be fully labeled and persons through whom they pass must keep full records, except that a practitioner need keep no record where the amount dispensed to one person does not exceed twelve grains in forty-eight consecutive hours. Penalty for violation is a fine not to exceed \$500 or imprisonment not to exceed one year, or both. [House Bill No. 308, effective date August 12, 1949, OHIO GEN. CODE §§ 12673-12673-6 (enacted).]

BASTARDY cases may be assigned by Juvenile Court to Court of Common Pleas.

See Juvenile Court, this index.

BEAUTY OPERATORS — qualifications for license changed.

See Cosmetology, this index.

BIRTH CERTIFICATE — fee charged for

See Certification of birth, this index.

BLIND — payments for medical, dental, optometrical and hospital care of.

Boards of county commissioners are authorized to make necessary payments for mental, dental, optometrical or hospital care needed by a recipient of aid to the blind. Funeral expenses may also be paid if the deceased left insufficient insurance or cash to pay them, but no payment may be made if the funeral expenses exceed \$200.

The fee which may be paid for a doctor's certificate relating to the eye condition of a prospective recipient of aid is increased from \$3 to \$10.

The provisions for reimbursement of counties by the state for payments for relief of the blind are modified. [Amended House Bill No. 223, effective date October 20, 1949, OHIO GEN. CODE §§ 2967 and 2968-3 (amended).]

BOARDS OF ELECTION may certify registration lists to jury commissioners.

This act provides that the boards of election may file with the commissioners of jurors a certified list of the names and addresses of the electors of the county shown on either the poll books or the registration lists. [Amended House Bill No. 157, effective date October 12, 1949, OHIO GEN. CODE § 11419-8 (amended).]

BOARDS OF PARK COMMISSIONERS authorized to levy additional taxes. See Taxes, this index.

BONDS, COUNTY — revenue bonds authorized in certain cases.

For providing sewage service, water service, or garbage collection service a county may issue bonds beyond the general limit of bonded indebtedness, provided such bonds are secured only on the revenue to be derived from the operation of such service. Such bonds shall not constitute general obligations of the county. [Amended House Bill No. 406, effective date September 29, 1949, OHIO GEN. CODE (enacted).]

BONDS — issue of for expressways and freeways.

Section 2293-9 of the General Code (a part of the Uniform Bond Act), which fixes the maximum maturities of bonds, was amended to include in Class (A), enumerating the purposes for which bonds with a maturity of fifty years may be issued, the acquisition of real estate for expressways and freeways and bridges, viaducts, overpasses, underpasses, service and access highways and vehicular tunnels in connection therewith. A new Class (CC) was also added, fixing a maximum maturity of twenty-five years for bonds issued for the construction, widening, enlargement or improvement of expressways and freeways and related facilities. Since in normal course a single bond issue will presumably be sold to finance both the acquisition of real property for and the construction of an ex-

pressway or freeway or related facilities, the issue would come under Class (I) and its maximum maturity be determined by the weighted average of the amounts proposed to be expended for the two purposes.

More difficult of interpretation is the amendment of Section 2293-14, setting debt limitations and excepting certain bond issues from consideration in ascertaining net indebtedness. A new subsection (e) excepts "Bonds issued pursuant to a vote of the electors for the purposes mentioned in Classes (A) and (CC) of Section 2293-9 of the General Code [see above], which can be serviced from the net earnings and income from any railroad or public utility mentioned in paragraph (d) hereof (other than waterworks); provided, that the ballot at any such election shall identify such indebtedness and the net earnings and income from which such indebtedness is to be serviced." Subsection (d) lists waterworks, sewage disposal plants or sewage systems, or municipally owned airports, landing fields, steam railroads and rapid transit systems.

One can see how rapid transit bonds, the other category included in Class (A), could be considered as covered by Section 2293-13 (a), but it is difficult to see the relationship between bond issues for expressways and freeways and the earnings of the utilities enumerated in subsection (d). The cross-pledge of revenues is, of course, not uncommon particularly in revenue bond financing, but it is doubtful that the words "which can be serviced" authorize or require such a cross-pledge. "Serviced" is a useful term in the language of public finance but it has had scant, if any, usage in formal legal documents. Bonds could be serviced from a certain source in the sense that provision for principal and interest was made from it without, at the same time, that source being committed by contract to the purpose. [Amended Senate Bill No. 199, effective date October 25, 1949, OHIO GEN. CODE §§ 2293-9 and 2293-14 (amended).]

BONDS — issue of for schools and bridges.

Three acts were passed relative to the issue of bonds for school buildings. The provisions of one, Amended House Bill No. 58, have broader application. It amends Section 2293-23, a general provision of the Uniform Bond Act relating to the form of ballot for and vote required to authorize a bond issue by reducing the vote required to fifty-five per cent, from sixty-five. This provision is presumably to be construed, however, as being applicable only in the event there is no express provision made with respect to a bond issue for a particular purpose, since all the enactments discussed

below vary the figure where the question is submitted at a special or primary election and one where it is submitted at a general election.

The same act changes the vote required to authorize a bond issue for the replacement or improvement of or the addition to school buildings, upon the declaration of an emergency, under Section 2293-15a. The vote required, formerly 65 per cent, is now 55 per cent at a general election and 60% at a special or primary election.

A second act, Amended House Bill No. 61, authorizing school districts which, prior to January 1, 1949, issued bonds for the erection or improvement of schools, the "revenues" (proceeds) of which bonds proved insufficient, to submit to the electors the question of a bond issue to furnish additional funds for such purposes, provided the resolution required by Section 2293-19 is passed prior to December 31, 1950. A vote of 60% of the electors is required to authorize the issue, at any election.

The third act, House Bill No. 108, more general in scope, authorizes the board of education at any school district to submit to the electors the question of issuing bonds "for the purpose of acquiring or constructing any permanent improvement which such subdivision is authorized to acquire or construct." The resolution must conform to the requirements of Section 2293-19, with some modifications, and the election "arrangements" must be governed by Section 2293-21, with some exceptions. The question may be submitted at a general, primary or special election. The vote required to authorize the issue is fifty-five per cent at a general election, sixty per cent at a special or primary election.

The first act, in addition to the provision regarding emergency bond issues for schools, amends Section 2293-23c relating to bond issues for the reconstruction of bridges on highways within a city, by changing the vote required from 65% to 55% in a general election or 60% in a special or primary election. It is to be noted that, except for this provision, there is no reference to submitting the question at other than a general election. There is, however, the statement that the election shall be held under the provisions of Section 2293-22, the general section which requires that questions regarding bond issues shall be submitted at a "November election," with exceptions seemingly not applicable here on conditions not met. Both Sections 2293-15a and 2293-15b contain a special provision waiving Section 2293-22, and Section 2293-15c provides the question may be submitted at a general, primary or special election.

The second act also amends Section 2293-15, which limits the indebtedness which may be incurred by a school district, by adding to the list of obligations which need not be considered in ascertaining the net indebtedness (a) notes issued for deferred payments for school busses and (b) bonds issued for the erection or improvement of school buildings under Section 2293-156, enacted by the same act, as stated above. [Amended House Bill No. 58, effective date October 25, 1949, OHIO GEN. CODE §§ 2293-15a, 2293-23 and 2293-23c (amended); Amended House Bill No. 61, effective date October 25, 1949, OHIO GEN. CODE §§ 2293-15 (amended) and 2293-156 (enacted); House Bill No. 108, effective date August 5, 1949, OHIO GEN. CODE § 2293-15c (enacted).]

BONDS — time for refunding by subdivision extended.

The time prior to which a subdivision may refund bonds, with the approval of the board of tax appeals, is extended to December 31, 1951. The percentage of outstanding bonds which may be so refunded is reduced from fifty to forty. [Amended House Bill No. 616, effective date September 26, 1949, OHIO GEN. CODE § 2293-5 (amended).]

BOWLING permitted on Sundays.

See Sunday Prohibition, this index.

BRIDGE COMMISSION — power to construct bridges.

Bridge commissions of the state, a county or city have heretofore been authorized to acquire but not to construct bridges. Bridge commissions of counties and cities, but not the state bridge commission, are now authorized to construct bridges, acquire property necessary for the construction of a bridge and the like. [Amended House Bill No. 448, effective date October 25, 1949, OHIO GEN. CODE §§ 1084-1, 1084-2, 1084-4, 1084-6, 1084-8, 1084-9, 1084-12 and 1084-15 (amended) and 1084-15c (enacted).]

BUDGET COMMISSION — Provision for hearings.

Before determining the amount to be allotted to each subdivision from any source the budget commission shall permit representatives of each subdivision and of each board of public library trustees to appear before it. [Amended House Bill No. 26, effective date September 26, 1949, OHIO GEN. CODE § 5625-24 (amended).]

BUILDING & LOAN ASSOCIATIONS may make loans secured by blanket mortgages.

This act authorizes building and loan associations to make loans to members or others evidenced by a note or notes secured by one mortgage on two or more properties. The loan may be equal to the total of the several loanable amounts, no one of which amounts shall exceed \$20,000. [Amended Senate Bill No. 184, effective date August 9, 1949, OHIO GEN. CODE § 9657-3 (enacted).]

BUILDING REGULATIONS — authority of county commissioners to enact.

The authority of boards of county commissioners to impose building regulations relating to safety, health and sanitary conditions within the unincorporated portion of a county, formerly limited to residential buildings, is extended to offices, merchantile buildings, workshops or factories including public or private garages, but the regulations may not be in conflict with the Ohio state building code.

Buildings or structures incident to the use of the land for agricultural purposes, and those of any public utility or railroad are exempted. [Amended House Bill No. 426, effective date October 25, 1949, OHIO GEN. CODE §§ 2480 and 2483 (amended).]

BUREAU OF INSPECTION OF PUBLIC OFFICES enlarged.

See Auditor of State, this index.

CANAL LANDS may be leased to park districts.

State canal lands, abandoned for canal use, may be leased to any park district created under Section 2976-1 of the General Code in the same manner as provided for the leasing of such lands to taxing districts by Sections 464-1 and 464-2 of the General Code. [Amended Substitute House Bill No. 354, effective date October 26, 1949, OHIO GEN. CODE § 464-1a (enacted).]

CERTIFICATE OF TITLE — Procedure for noting discharge of lien changed.

See Motor vehicles, this index.

CERTIFICATION OF BIRTH — fee charged for.

Unless a certified copy of the original certificate of any birth is requested, the director of health or person authorized by him,

or any local registrar of vital statistics, or local commissioner of health, or the probate judge shall issue a certification of birth which shall contain only the name, sex, date of birth, and place of birth of the person to whom it relates. By the terms of this amending act such a certification shall no longer contain the color of the person, and the fee charged for the issuance of such certification is increased from twenty-five cents to fifty cents. The fee for issuing a certified copy of the original certificate of birth remains at fifty cents. [Amended Senate Bill No. 26, effective date July 5, 1949, OHIO GEN. CODE § 1261-66 (amended).]

CHARITIES — exemption from taxation of real property of.

Where a parcel of real estate is so used that a part, if a separate entity, would be exempt from taxation, and the balance would not be exempt, the listing is to be split and the part used for exempt purposes listed as exempt. *Welfare Fed. v. Glander* 146 Ohio St. 146 (1945) (had held such splitting of a single parcel was not authorized and the entire parcel was taxable). [Amended Senate Bill No. 105, effective date October 27, 1949, OHIO GEN. CODE § 5560 (amended).]

CHATTEL MORTGAGE index may be destroyed.

This act permits a county recorder to destroy the index of a chattel mortgage, as well as the mortgage itself, six years after the time for refileing has expired. This applies to chattel mortgages deposited for filing only. [Amended Senate Bill No. 101, effective October 25, 1949, OHIO GEN. CODE § 8565 (amended).]

CHATTEL MORTGAGE — notice of extra-judicial sale required.

An extra-judicial sale of mortgaged chattels without giving notice to the mortgagor in a specified form and manner precludes the mortgagee's enforcing the personal liability of the mortgagor for any deficiency. [Amended Substitute House Bill No. 57, effective date September 16, 1949, OHIO GEN. CODE § 8565-3 (enacted).]

CHILD LABOR — work in bowling alleys permitted.

Bowling alleys were removed from the list of types of establishments in which children under the age of sixteen may not work. [Amended Senate Bill No. 87, effective date October 20, 1949, OHIO GEN. CODE § 13002 (amended).]

CHRISTIAN SCIENCE practitioners may charge for treatment through prayer.

This amendment provides that the treatment of human ills through prayer alone by a practitioner of the Christian Science church in accordance with the tenets of that faith shall not be regarded as the practice of medicine. This means that such practitioners would be allowed lawfully to charge for their services. Many other states have so provided. [Amended House Bill No. 293, effective date September 29, 1949, OHIO GEN. CODE § 1286 (amended).]

CHRISTMAS DECORATIONS required to be flame resistant.

Any electrical equipment or device, other than light bulbs, used as decoration or illumination on Christmas trees must bear the label or listing of a nationally known and accredited testing laboratory; any other material used for decoration of Christmas trees or for Christmas decoration must be flame resistant, i.e., pass a prescribed "match flame test."

Sale in violation of the statute is a misdemeanor. [Amended Senate Bill No. 327, effective date October 28, 1949, OHIO GEN. CODE §§ 844-5 to 844-9 (enacted).]

CHRISTMAS TREES — person transporting must have bill of sale.

Any person transporting five or more Christmas trees or one hundred pounds or more of boughs on the highways or streets of the state must have in his possession a bill of sale for such trees or boughs, or, if he is the owner of the land from which they were cut, a sworn statement of ownership. A maximum penalty of \$1,000 or thirty days imprisonment, or both, is provided. [Substitute House Bill No. 573, effective date October 26, 1949, OHIO GEN. CODE § 12455-2 (enacted).]

CHURCH BUS license fee to be ten dollars.

In lieu of the schedule of rates for commercial cars fixed in Section 6292 of the General Code the license fee for each church bus used exclusively to transport members to or from church functions shall be ten dollars. Affidavits of such exclusive use and a certificate of safety from the state highway patrol are required to accompany the application for registration. [Amended Senate Bill No. 45, effective date October 13, 1949, OHIO GEN. CODE § 6292-3 (enacted).]

CIGARETTE TAX metering device to be sealed by treasurer of state.

Metering devices used for purposes of the cigarette tax must be sealed by the treasurer of state before being used. The former law provided for sealing by the tax commissioner. [House Bill No. 102, effective date June 30, 1949, OHIO GEN. CODE § 5894-8 (amended).]

CIGARETTES — unfair cigarette sales act amended.

House Bill No. 101, which amends Subsections (a) and (c) of Ohio General Code Section 6402-11, was the direct legislative outgrowth of the decisions in *Serrer v. Cigarette Service Co.*, 74 N.E. 2d 841 (C.P. 1946), *aff'd*, 74 N.E. 2d 853 (App. 1947), *aff'd*, 148 Ohio St. 519, 76 N.E. 2d 91 (1947). In these decisions the Ohio courts unanimously declared unconstitutional the Unfair Cigarette Sales Act enacted in 1941 to outlaw the sale of cigarettes below their "cost" to wholesaler or retailer. The basis of the invalidation lay in the fact that Section 6402-11 (c), by authorizing a standard wholesaler's markup of 2% in the absence of proof of lesser cost to a wholesaler, effected complete disregard of differentials existing in the cost of doing business as between service and cash-and-carry wholesalers. Both United States Constitution Amendment XIV and Ohio Constitution Article I, Section 19 were held violated by this discrimination, which threatened divestiture of "property rights inherent in the cash-and-carry method of doing business." As amended, Section 6402-11(c) provides that the 2% markup is to be used in the absence of proof of a lesser or higher cost on the part of a wholesaler, yet the 2% figure remains a statutory norm which can be raised for service wholesalers only by their competitors meeting a burden a proof made inherently heavy by virtue of the subject-matter at issue. An effort at compliance with the bare constitutional minimum is also suggested by the new provision whereby a cash-and-carry wholesaler may, in the absence of proof of a lesser or higher cost, allow to the retailer an amount not to exceed $\frac{3}{4}$ of 1% of cost to the wholesaler as statutorily calculated but excluding therefrom the amount included for state cigarette taxes required by law to be affixed by all wholesalers. Exclusion of this significant tax item, which constitutes nearly 14% of invoice cost, so cuts the allowance thus extended to the cash-and-carry wholesaler as to advantage him to the extent of only 1 cent per carton of cigarettes. The business facts turned up by the judicial inquiry concerning constitutionality of the old Section 6402-11(c) raise grave doubt as to whether the cash-and-carry wholesaler can survive on such a slender differential. [House Bill No. 101, effective date August 25, 1949, OHIO GEN. CODE § 6402-11 (amended).]

CIVIL DEFENSE — new program inaugurated.

Amended Senate Bill No. 259 provides for the creation and governance of (1) an Ohio civil defense organization and (2) an Ohio defense corps. Legislative provision for (1) inaugurates an entirely new program, whereas the legislative action with respect to (2) constitutes a reorganization of the existing Ohio state guard and Ohio state naval militia. The adjutant general is made the state director of civil defense, and authorization is given to counties and incorporated municipalities for the establishment of local defense organizations. But power to promulgate, enforce and rescind all regulations governing organization for civilian defense is vested in the governor, as advised by a civil defense advisory council of his choice. The statutory provisions for the new Ohio defense corps closely parallel the old Ohio code Sections 5201 through 5201-12, which are repealed. One major variation is the omission of the old Section 5201-4a prohibiting contributions or gifts; gifts and loans to the civilian defense organization are anticipated by the new legislation, and their acceptance is authorized. A second variation is found in the oath specified for commissioned officers; to the traditional oath of support of the Ohio and Federal Constitutions there is added the newer type of loyalty oath. Both oaths are also required of all persons "employed or associated in any capacity in any civil defense organization established under this act." [Amended Senate Bill No. 259, effective date May 26, 1949, OHIO GEN. CODE §§ 5291 to 5315 (enacted); §§ 5201 to 5201-12 (repealed).]

CIVIL SERVICE — new classification and salary scale established.

Position classifications are set up for all persons in the state service except elected officials, legislative employees, members of the military forces, employees of state colleges and universities and certain appointive officials. Salary ranges are assigned to each category within this classification and provision is made for varying salaries within the assigned ranges according to the variation of the consumers' price index of the United States Bureau of Labor Statistics. A large number of sections of the General Code which either fixed the salaries of specific positions or empowered some administrative officer to fix them are amended to eliminate these provisions. [Amended Substitute House Bill No. 382, effective date August 1, 1949, OHIO GEN. CODE §§ 486-7a, 486-7b and 486-7c (enacted). The following sections are amended: 154-45, 154-49, 154-49c, 154-49h, 154-52, 154-53, 154-56, 372, 382, 408-2, 417, 485-4, 486-5, 496, 497, 498, 622, 710-8, 744-21, 871-14, 871-14a, 898-5, 898-17, 898-18, 898-20, 1038-28, 1078-4, 1081-4, 1082-3, 1084-6, 1109, 1171-4, 1178-11, 1178-12, 1178-13, 1178-14, 1178-15,

1178-16, 1178-17, 1183, 1261-9, 1265, 1295-26, 1297, 1317, 1335-3, 1346-3, 1347-1, 1359-11, 1359-12, 1361, 1443, 1464-3, 1465-115, 1835, 1841-13, 1842, 1946, 2129, 2209-7, 2250, 5805-10, 6290-1, and 6310-41. §§ 154-42b, 677-2 and 1183-1 are repealed.]

CIVIL SERVICE provisional appointments in the classified service.

This amendment permits temporary and exceptional appointments in the classified service in certain departments and capacities if the salary is paid in whole or in part from federal funds; such provisional appointment may be effective for six months (three months in other cases). This act assigns General Code Section 486-14 to what was formerly designated Section 484-14 (106 v. 400). [Amended Senate Bill No. 180, effective date September 9, 1949, OHIO GEN. CODE § 486-14 (enacted) and § 484-14 (repealed).]

CIVIL SERVICE—reinstatement of injured or disabled employees.

A person who has been separated from the service by reason of injury or disability shall be reinstated on application filed within five years after the date of separation and on passing an examination by a physician designated by the public employees retirement board. [House Bill No. 523, effective date October 25, 1949, OHIO GEN. CODE § 486-16 (amended).]

CIVIL SERVICE—secretary of police or fire not subject to examination.

The position of secretary of police or secretary of fire shall not be subject to competitive examination if filled by a member of the uniform rank on assignment. The status within the uniform ranks shall remain unchanged while he is so serving. [Amended Substitute House Bill No. 398, effective date October 15, 1949, OHIO GEN. CODE § 486-15b (enacted).]

COLLEGE and university boards of trustees—maximum number increased.

The board of trustees of any college or university operating under the patronage of one or more religious groups divides its number into classes as provided in OHIO GENERAL CODE Section 9935. This amendment increases the maximum number of trustees permitted in any class from 20 to 30. [Amended House Bill No. 549, effective date September 9, 1949, OHIO GEN. CODE § 9936-1 (amended).]

COMMERCIAL CORPORATIONS — requirement for minimum number of directors eliminated.

The officers of an incorporated board of trade, chamber of commerce, merchants' exchange or other kindred association, together with such number of the members as shall be fixed by the by-laws, shall constitute the board of directors. The former law required a minimum of ten directors. [Amended House Bill No. 196, effective date October 15, 1949, OHIO GEN. CODE § 10144 (amended).]

COMMISSIONERS, COUNTY — may appropriate from dog and kennel fund.

See Dog and kennel fund, this index.

COMMISSIONERS, COUNTY — may establish garbage disposal districts.

See Garbage disposal districts, this index.

COMMISSIONERS, COUNTY — may establish regional library districts.

See Libraries, this index.

COMMISSIONERS, COUNTY — may fix rates for county sewers.

See County sewer districts, this index.

COMMISSIONERS, COUNTY — may issue bonds or emergency poor relief.

See Poor relief, this index.

COMMISSIONERS, COUNTY — may trade-in used vehicles without public auction.

This amendment authorizes county commissioners to accept bids from dealers for the sale of vehicles to the county which bids may include a trade-in allowance; *i.e.*, the bids may show a net or trade-in price, and a public auction will not be necessary to sell used vehicles. [Amended House Bill No. 260, effective date October 7, 1949, OHIO GEN. CODE § 2447-2 (amended).]

CONDITIONAL SALES INSTRUMENTS, destruction of index authorized.

The county recorder is authorized to destroy the index of a recorded conditional sale instrument at the same time that the

instrument recorded may be destroyed. [Amended Senate Bill No. 118, effective date October 25, 1949, OHIO GEN. CODE § 8569-1 (amended).]

CONSERVANCY DISTRICTS — maximum expenditures for roads increased.

The director of highways is authorized to expend up to one hundred thousand dollars in any one year on roads within or leading through, or adjacent to, any lands owned by a conservancy district. Expenditures for roads leading to the lands shall not exceed ten thousand dollars per mile and for roads within the lands, five thousand dollars per mile. Each of these maximum amounts is larger than that allowed by the former law. [House Bill No. 151, effective date August 25, 1949, OHIO GEN. CODE § 1178-24 (amended).]

CONSERVATION AGENCIES brought together in one new department.
See Natural Resources, this index.

CORONER — contempt for failure to obey subpoena of.

A probate or common pleas judge shall compel obedience to a coroner's subpoena, on application of the coroner, by attachment proceedings as for contempt, as in the case of disobedience of the requirements of subpoena issued from such court. [Amended House Bill No. 557, effective date October 25, 1949, OHIO GEN. CODE § 2855-7 (amended).]

CORONER not to sell firearms found with unclaimed body.

If firearms are included among the effects of a deceased person whose relatives are unknown they are to be destroyed by the coroner or, at his option, be turned over to a chief of police or sheriff for bona fide police use only. [House Bill No. 556, effective date October 25, 1949, OHIO GEN. CODE § 2855-13 (amended).]

CORPORATION ACT amended.

Numerous amendments, mostly technical in nature, were made to the Ohio Corporation Act. These amendments are discussed in detail in a comment in Part I of this survey. [Amended Senate Bill No. 82, effective date September 8, 1949, OHIO GEN. CODE

§§ 8623-4, -8, -10, -12, -14, -15, -19, -22, -23, -24, -30, -33, -39, -43, -44, -45, -48, -50, -51, -52, -53, -55, -56, -62, -64, -65, -67, -68 and -129 (amended); §§ 8623-19a, -19b, -19c, -27a, -45a, -49a, -50a, -55a and -135a (enacted); §§ 8623-16, -17, -18 and -33a (repealed).]

CORPORATIONS — venue provision changed.

Former Section 11275 of the General Code which permitted a corporation to prescribe by charter where suit must be brought against it is repealed. [House Bill No. 93, effective date October 15, 1949, OHIO GEN. CODE § 11275 (repealed).]

COSMETOLOGY — qualifications for license changed.

The educational requirements of applicants for a cosmetologist license are changed from 750 hours of instruction in a school of cosmetology to 1250 hours of instruction in a licensed school of cosmetology in Ohio. The 150 hours of instruction for manicurists, which formerly were required to be taken in an approved school of cosmetology, now must be in a licensed school in Ohio. The period during which a retired practitioner may return to practice without examination is changed from three years to two years. A \$25.00 fee is imposed for licensing, without examination, a person registered as a practicing cosmetologist in another state. [Amended Substitute Senate Bill No. 53, effective date October 26, 1949, OHIO GEN. CODE §§ 1082-1, 1082-2, 1082-10, 1082-12, 1082-13, 1082-14, and 1082-17 (amended).]

COUNTIES may withdraw from children's home districts.

Upon the recommendation of the county child welfare board or department the county commissioners of any county within a children's home district may withdraw from said district, subject to the approval of the state department of welfare. Withdrawal would be accomplished by disposing of the county's right, title and interest in the home, furniture and equipment to other counties in the district and by *ipso facto* resignation of the withdrawing county's representatives on the board of trustees. [House Bill No. 383, effective date August 22, 1949, OHIO GEN. CODE § 3110 (enacted).]

COUNTIES may issue bonds to finance assessment of real property.

The General Code requires that real property be assessed at least once in every six years after 1943. This act provides that the county commissioners may issue bonds in 1949 or any year

thereafter to finance the assessing, whenever the funds allocated for operating expenses are insufficient to pay the cost thereof. [House Bill No. 37, effective date March 31, 1949, OHIO GEN. CODE § 2293-3b (amended).]

COUNTY EMPLOYEES may be paid semi-monthly.
See Salaries, this index.

COUNTY FAIRS — appropriation and tax levy for.

The amount which county commissioners may appropriate for fair purposes in any year without submitting the question of a levy to the electors is raised to \$20,000; but the vote required to approve a levy is increased from a majority to fifty-five percent.

The county commissioners of counties where there is an independent agricultural society are authorized to make jointly appropriations in the same amount, and a levy may be approved by fifty-five percent of the voters in each county. [Amended House Bill No. 191, effective date October 25, 1949, OHIO GEN. CODE § 9887 (amended) and OHIO GEN. CODE § 9887-2 (enacted).]

COUNTY representatives on municipal hospital boards to hold office for four years.

Whenever a participating or cooperating district or county had one or more representatives on the board of governors of a municipal hospital, such district or county representatives were appointed for terms of 3 years. This amendment provides that they shall hold office for 4 years and that they shall be appointed in different years or successive years. [Amended Substitute Senate Bill No. 273, effective date September 20, 1949, OHIO GEN. CODE § 3414-1c (amended).]

COUNTY SEWER DISTRICTS — commissioners may fix rates.

County commissioners may fix rates to be charged to persons served by a county sewer or disposal works. Such charges shall become a lien on the property served and shall be collected in the same manner as taxes, the money so collected to be used for the purposes of the sewer district. [Amended House Bill No. 407, effective date September 29, 1949, OHIO GEN. CODE § 6602-1 (amended).]

COURT OF APPEALS — disqualification of judge, time of filing of affidavit alleging.

The affidavit setting forth the fact of the interest, bias, prejudice or disqualification of a judge of a court of appeals must be filed not less than three days prior to the time set for the hearing in the matter or cause. [Amended House Bill No. 94, effective date October 25, 1949, OHIO GEN. CODE § 1527 (amended).]

COURT REPORTERS' maximum fees for making transcripts are increased.

See Shorthand reporters, this index.

CREDIT UNION LAW amended.

Provision is made for survivorship in members' shares and for expulsion of members. Investment in notes secured by first mortgages on real property is limited to 25% of total assets. Permissible total investment in real or personal property is increased from 3% to 5% of total assets. The \$2,000 limit on a member's shareholding is removed and the limit on unsecured loans is increased from \$100 to \$300. With some limitations, loans are permitted to officers, directors and committeemen, and authorization is given for the organization of a central credit union, of which officers, directors and committeemen may be members. The procedure for approval of loans is, to some extent, liberalized and the percentage of required reserve funds is reduced from 20% to 10% of the paid-in share capital. A maximum limit of \$650 is placed on the cost of an examination by the division of securities, and provision is made for the cancellation of the articles of incorporation and liquidation of credit unions found by the division to be insolvent. Provision is made for the incorporation of a new credit union to take over the assets and liabilities of an existing credit union, for the combination of two or more credit unions and for the transfer of assets and assumption of liabilities of one credit union by another. [Amended Senate Bill No. 62, effective date July 21, 1949, OHIO GEN. CODE §§ 9682 to 9689 (amended); §§ 9693 and 9694 (enacted).]

DEAF CHILDREN — program of education to aid.

The superintendent of public instruction is authorized and directed to establish a program of education to train parents of deaf or hard of hearing children of pre-school age. [Amended Senate Bill No. 28, effective date October 26, 1949, OHIO GEN. CODE §§ 154-56f and 154-56y (enacted).]

DEBT LIMITATION in school districts is increased during 1949 and 1950.

See School districts, this index.

DEFRAUDING GARAGE KEEPER — penalty for.

See Garage keeper, this index.

DEPOSITORIES — park commissioners may select depository according to Uniform Act.

See Park commissioners, this index.

DEPOSITIONS — Uniform Foreign Depositions Act adopted.

Whenever any mandate, writ or commission is issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever, upon notice or agreement, it is required to take the testimony of a witness or witnesses in this state, witnesses may be compelled to appear and testify in the same manner and by the same process and proceedings as may be employed for the purpose of taking testimony in proceedings pending in this state. See Comment, 9 OHIO ST. L. J. 679 (1948). [Amended Senate Bill No. 111, effective date September 29, 1949, OHIO GEN. CODE §§ 11528-1, -2 and -3 (enacted).]

DIRECTORS OF COMMERCIAL CORPORATIONS — minimum requirement eliminated.

See Commercial corporations, this index.

DISABLED VETERANS to receive adjusted workmen's compensation awards.

See Workmen's compensation, this index.

DITCH MAINTENANCE, assessments for — allowance to county treasurers and county auditors from.

Each county treasurer and county auditor is authorized to retain 1% and 3%, respectively, of assessments collected for ditch maintenance, for expenses. [Amended House Bill No. 559, effective date October 25, 1949, OHIO GEN. CODE § 6552-1 (enacted).]

DOG AND KENNEL FUND — appropriation for use of dog warden.

The county commissioners may appropriate an amount for the necessary cost and expenses of the dog warden which amount is in excess of 50% of the gross receipts of the dog and kennel fund, provided there is first set aside an amount equal to the animal claims filed in the current year or to the animal claims allowed in the preceding year, whichever amount is larger. The former law limited the appropriation to 50% of the gross receipts. [Amended House Bill No. 168, effective date October 25, 1949, OHIO GEN. CODE § 5652-13 (amended).]

DOG WARDEN not to value animal killed or injured by dog.

A dog warden or other official investigating the killing of or injury to an animal by a dog shall have no authority to place a value, to take affidavits as to value or to influence any appraisal of the animal so killed or injured. [Amended House Bill No. 469, effective date October 15, 1949, OHIO GEN. CODE § 5840 (amended).]

DRAINAGE PROJECTS — state may pay part of cost of.

The general assembly has authorized the state to negotiate with any political subdivision in the construction of any drainage project in which state property is involved or benefited. An engineer representing the state must approve all contracts before they are let. The state will pay its proportionate share of the costs of the projects in which the state cooperates. Payments will be made to the appropriate county treasurer from a newly-created "drainage assessment rotary fund." The money will be disbursed by the state treasurer on the order of the auditor of state, pursuant to vouchers signed by the state engineer in charge of the project and approved by the director of finance. [Amended Senate Bill No. 41, effective date July 13, 1949, OHIO GEN. CODE §§ 6554 to 6558 inc. (enacted).]

EDUCATION OF HANDICAPPED or tubercular children in separate schools.

Any board of education may provide separate schooling for tubercular or mentally or physically handicapped, or delinquent children. If the board does so provide, it shall be entitled to all funds provided by the state for such children (see OHIO GEN. CODE § 4848-1 *et seq.*). If the children are sent to institutions established for the care of delinquent, unstable or maladjusted

children, the board shall not be so entitled. [Amended Senate Bill No. 132, effective date October 7, 1949, OHIO GEN. CODE § 4836-6 (amended).]

ELECTION, BOARDS OF — compensation payable for deputy and assistant clerks of.

The schedule of salaries which may be paid to deputy clerks and assistant clerks of boards of elections was modified. [Amended Substitute House Bill No. 230, effective date October 18, 1949, OHIO GEN. CODE § 4785-15 (amended).]

ELECTION LAWS amended and clarified.

Numerous changes were made in the sections of the general code pertaining to elections. In addition to several amendments of a clarifying nature the following are noted:

(1) It is provided that no ballot shall be rejected for a technical error unless it is impossible to determine the voter's choice. The section formerly provided that no ballot which bore any mark other than an X or a write-in name should be counted.

(2) Candidates' petitions which contain signatures from more than one county are not to be held invalid for that reason; but only the signatures from one county are to be counted. It was formerly provided that the nominating petition of a candidate for election at a general election "shall be filed as one instrument" etc. The phrase is changed to "shall be filed at the same time as one instrument."

(3) The prohibition on polling places more than 250 feet outside a precinct is removed.

(4) A board of elections may provide that only two judges and two clerks shall serve at any primary election when only one party primary is to be held for the nomination of candidates for municipal office. Formerly this could be done only with respect to special elections. Such precinct officials for primary elections must, however, be selected from among those regularly appointed under Ohio General Code Section 4785-25. The maximum compensation of such officials, at both primary and special elections, is set at twelve dollars.

(5) Political affiliation, where a voter is challenged at a primary election, formerly was to be determined by his vote in the "next preceding general election." This phrase is changed to "next preceding regular state election."

(6) Provision is made for re-canvassing the results on voting machines in case the machines are to be used at another election within the period for which the ballots must be preserved. The

results of the re-canvass are certified and retained for the period required. An interested candidate must be given an opportunity to be present whenever the results on voting machines are re-canvassed by reason of there having been a discrepancy, error, or suspected fraud.

(7) There are changes in the manner of certifying the election of congressmen and state officials and in the meeting dates of central committees. The requirement that judges of election shall meet at the polling place on Monday preceding each general election from 7:00 to 7:30 p.m. to hear challenges is now extended to primary elections. [Amended Senate Bill No. 206, effective date September 26, 1949; Amended Senate Bill No. 287, effective date October 25, 1949; Amended House Bill No. 458, effective date October 7, 1949; OHIO GEN. CODE §§ 4785-3, -7, -9, -22, -25a, -37, -39, -53, -64, -65, -67, -67a, -70, -71a, -73, -75, -80, -82, -83, -86, -88, -90, -91, -91a, -92, -119, -127, -129, -131, -144, -147, -153, -154, -158, -161d, -161e, -161g, -161h, -161j, -177a, -177c, -179 and -179b (amended); § 4785-110a (repealed).]

ELECTION STATISTICS to be compiled and published by secretary of state.

See Secretary of state, this index.

ELECTIONS — questions and issues ballots to show percentage required for passage.

With the title of each question and issue on the questions and issues ballot there must be printed a brief statement of the percentage of affirmative votes necessary for passage as required by law. [House Bill No. 43, effective date July 7, 1949, OHIO GEN. CODE §4785-103 (amended).]

ELECTIONS — voting machines and office accommodations, issue of bonds to acquire.

The board of elections of a county may request the county commissioners to submit to the electors the question of issuing bonds to acquire voting machines and to acquire real estate and construct and equip a suitable building for the board's purpose. The approval of fifty-five percent of the voters voting is required. [Amended Senate Bill No. 292, effective date October 29, 1949, OHIO GEN. CODE § 4785-161 m (enacted).]

ELMS — combating dutch elm disease and phloem necrosis.

Counties, townships, cities and villages are authorized, alone or cooperatively, to take steps to combat dutch elm disease and phloem necrosis, commonly known as elm blight. Local authorities are empowered to select agents and authorize them to enter upon lands for inspection. The agents may, with the owner's permission, spray, treat or remove and destroy trees. Local authorities may obtain the assistance of the departments of agriculture of Ohio or the United States. [Amended Senate Bill No. 383, effective date October 12, 1949, OHIO GEN. CODE §§ 1140-19 to 1140-22, inclusive (enacted).]

EMPLOYMENT, medical examination for — employer forbidden to require employee to pay for.

An employer is forbidden to require a prospective employee or applicant for employment to pay the cost of a medical examination required as a condition of employment. "Employer" and "employee" are defined, the industrial commission and public utilities commission are directed to enforce the law, and violators are subject to a penalty of not more than one hundred dollars for each violation. [Amended House Bill No. 261, effective date October 21, 1949, OHIO GEN. CODE § 871-45 (amended).]

ENGINEERS AND SURVEYORS — certificate of registration, veterans.

The period during which a veteran who received engineering or surveying experience while in the armed forces may be granted a certificate of registration as a professional engineer or surveyor without examination if otherwise qualified is extended to October 30, 1950. [Amended Senate Bill No. 358, effective date October 26, 1949, OHIO GEN. CODE § 1083-13 a (amended).]

ENGINEERS AND SURVEYORS — registration, qualifications.

The qualifications necessary for registration as a professional engineer or surveyor are made more stringent. The educational requirements may be met only by graduation from an approved course in engineering, or in engineering and surveying, now defined as one of the credits which is offered by a college or university approved by the North Central association of colleges and universities at full value. Also the subjects in which a candidate for registration is to be tested in the first stage of the examination for registration are specifically set forth, and in the second stage of the examination the candidate must be examined in the major branch of engineering in which he specializes. The major branches

are listed in the act. [Amended Senate Bill No. 329, effective date October 25, 1949, OHIO GEN. CODE §§ 1083-1, 1083-2, 1083-13, 1083-14 and 1083-15 (amended). OHIO GEN. CODE § 1083-12 (repealed).]

EVIDENCE — weight of, motion for new trial not essential to raise question on appeal.

Ohio General Code Section 11576-1 was enacted in 1945 for the purpose of obviating the necessity of filing a motion for a new trial in the trial court in order to raise the question of the weight of evidence on review. Doubts were expressed as to the effectiveness of the section to accomplish that purpose. Amended House Bill No. 81 was enacted to provide in explicit language that "a motion for a new trial shall not be necessary as a prerequisite to obtain appellate review of the sufficiency or weight of the evidence submitted to the trial court where such evidence to be considered appears as a part of the record duly filed in the appellate court." [Amended House Bill No. 81, effective date October 24, 1949, OHIO GEN. CODE § 11576-1 (amended).]

EXPENDITURES by local government units — limitations changed.

See Local government units, this index.

FIDUCIARIES need not give bond pending motion for new trial.

Executors, administrators, guardians, receivers, trustees, trustees in bankruptcy, and county treasurers who have given bond in this state, and the state or an officer thereof, shall not be required to furnish bond as a prerequisite to the staying of execution pending a motion for a new trial. [Amended House Bill No. 77, effective date September 29, 1949, OHIO GEN. CODE § 11601-1 (amended).]

FIDUCIARY BOND to be given by executive secretary administering child welfare services holding trust funds for wards.

The executive secretary charged with the responsibility of administering child welfare services was heretofore required to give a bond in such sum as was fixed by the child welfare board. He is now required to give two, one in an amount fixed by the board covering funds and properties of the board or county, the second in an amount fixed by the probate court but not less than \$5000 covering trust funds he may hold on behalf of wards. If the executive secretary is appointed a trustee by the probate court and has therefore furnished the second of the bonds referred to above, the probate court may dispense with the giving of bond in the par-

ticular instance. [Amended House Bill No. 275, effective date October 15, 1949, OHIO GEN. CODE §§ 3070-15 and 10506-4 (amended).]

FIELD TRIAL areas may be established by division of wild life.
See Wild life division, this index.

FIREARMS found with unclaimed body not to be sold.
See Coroner, this index.

FIREMEN — additional disability benefits in certain cases.

A member of the firemen's pension fund who is partially disabled as a result of performance of his official duties and who has completed twenty-five or more years of active service shall receive disability benefits upto sixty-six per cent of his average salary for a five year period immediately preceding his separation from active service. The amount of the benefit varies with the length of service but shall not be less than \$1,200 per year. [House Bill No. 136, effective date August 26, 1949, OHIO GEN. CODE § 4612-4 (amended).]

FIREMEN — credit toward retirement for period of disability.

A fireman disabled as a result of the performance of his duties and paid disability benefits who is restored to active duty is to receive credit toward retirement for the period of disability. [Amended House Bill No. 137, effective date October 20, 1949, OHIO GEN. CODE § 4612-4 a (enacted).]

FIREMEN — credit toward retirement regardless of participation in pension plan.

A member of the fire department shall have full credit toward retirement for time spent in the armed forces regardless of whether he has elected to participate in the firemen's relief and pension fund. [Amended House Bill No. 410, effective date October 26, 1949, OHIO GEN. CODE § 4612-3 (amended).]

FIREMEN — pension to be paid widow, surviving children and dependent parents of deceased.

The pension of a widow, surviving child or dependent parent of a fireman, granted prior to September 25, 1947, the effective date of the present law, may be increased up to the amount payable

under the present law. [Amended Substitute House Bill No. 547, effective date October 26, 1949, OHIO GEN. CODE § 4612-5 (enacted).]

FISCAL YEAR of the state to begin July first.

See State, this index.

FISHING AND CONSERVATION practices in Sandusky — commission to investigate.

A nine-member commission is created to investigate the practices of commercial fishermen and sportsmen in Sandusky bay and adjoining waters and to recommend conservation practices. The commission is to report to the governor and general assembly by January 15, 1951. [Substitute House Bill No. 336, effective date October 25, 1949.]

FISHING LICENSE law amended.

Effective March 1, 1950, the statute which required the wearing of a visible fishing license while engaged in fishing is repealed. Under the terms of the act to be repealed the state furnished to each licensee a badge or button showing the license number. [House Bill No. 201, effective date July 28, 1949, OHIO GEN. CODE § 1430-1 (repealed, effective March 1, 1950).]

FLOUR, BREAD AND ROLLS — white, requirement that be enriched.

Regulations issued under the Federal Food, Drug and Cosmetic Act (Code of Federal Regulations, 1949 Edition, Title 21, Part 15, Subpart A, Sections 15.00-15.70) establish standards for white flour and for enriched white flour (including bromated, self-rising and phosphated flour) shipped in interstate commerce. Either plain or enriched white flour may therefore be shipped in interstate commerce, but all enriched flour must conform, as to vitamin and mineral content, to the standards set by the regulations. See *Federal Security Administrator v. Quaker Oats Co.*, 318 U.S. 218 (1943) regarding the authority to issue such regulations. Federal regulations do not presently set standards for white bread and rolls, although hearings have been held and Food Distribution Order No. 1, issued by the War Food Administration but withdrawn October 25, 1946, required the enrichment of white bread and rolls. See Herrick, Food Regulation and Compliance, Vol. 1, 332-333, 646-G.

Ohio has now made it illegal to manufacture or sell white flour, including bromated, self-rising and phosphated flour, unless it con-

tains specified minima and maxima of thiamin, riboflavin, niacin or niacin-amide, iron and, in the case of self-rising flour, calcium. These requirements conform to the federal standards for enriched flour, but the federal standards expressly permit the addition of vitamin D, in specified quantities, the addition of calcium to all enriched flours but, except with respect to self-rising flour, subject to a smaller maximum, and expressly state the quantity of potassium bromate and monocalcium phosphate which may be contained in bromated and phosphated flours, respectively. It may perhaps safely be assumed that the requirements of the Ohio statute are not preclusive and that enriched flour which meets the federal standards will be acceptable. This assumption is fortified by the conformity provision discussed below. The requirements do not apply to sales to distributors, bakers or other processors, subject to conditions designed to ensure that flour or bread and rolls sold to consumers are enriched as required.

The Ohio statute also requires that white bread and rolls contain specified minima and maxima of thiamine, riboflavin, niacin and iron. As stated, the federal regulations do not presently set standards for white bread and rolls.

The Ohio Statute expressly provides: "whatever the vitamin and mineral requirements set forth in this act are no longer in conformity with the legally established standards governing the interstate shipment of enriched flour and enriched bread or enriched rolls, the commissioner [director of agriculture], in order to maintain uniformity between intrastate and interstate vitamin and mineral requirements * * * is authorized and directed to modify or revise such requirements to conform with amended standards governing interstate shipments. (Any revision in vitamin and mineral requirements established by the commissioner shall be reported to the legislature)." This provision appears to raise an interesting problem regarding the delegation by the legislature of rulemaking power to a federal agency. The parenthetical clause requiring a report to the legislature is equally interesting, contemplating as it does what is sometimes referred to as post-natal control over administrative rule-making. [House Bill No. 75, effective date July 13, 1949, OHIO GEN. CODE §§ 1090-44, 1090-45, 1090-46, 1090-47, 1090-48, and 1090-49 (enacted).]

FOREIGN DEPOSITIONS — uniform act adopted.

See Depositions, this index.

FRATERNAL BENEFIT SOCIETIES — membership and beneficiary provisions changed.

Fraternal benefit societies may issue benefit certificates on the lives of children on the application of an adult, or may admit a minor to beneficial membership. Statutory restriction of the class of permissible beneficiaries is removed. The new act permits each society to limit permissible beneficiaries. [Amended Senate Bill No. 78, effective date August 10, 1949, OHIO GEN. CODE §§ 9462-1, 9462-2, 9462-3, 9462-5, 9467 and 9468 (amended); §§ 9462-4 and 9462-6 (repealed).]

FOODS, FROZEN — regulation of locker plants for storage of.

The statute regulating plants for the cold storage of foods in individual lockers was amended by clarifying or adding definitions of the terms "Locker plant," "Branch locker plant," "Locker room," "Sharp freezing," "Sharp freeze room" or "Sharp freezing cabinet," and "Chill room." An operator having in storage in a locker plant or branch locker plant food for sale to the public is exempted from the record-keeping and date-stamping requirements of General Code sections 1155-9 and 1155-11, but not the requirement of section 1155-12 that frozen foods be appropriately labelled as frozen, quick-frozen or the like. [House Bill No. 608, effective date October 25, 1949, OHIO GEN. CODE §§ 1155-20 and 1155-26 (amended) and § 1155-26a (enacted).]

FRUITS AND VEGETABLES sold in containers — provisions changed.

The duty to enforce the code sections dealing with the sale of fresh fruits and vegetables in containers is placed on the director of agriculture, police officers and sheriffs and is removed from the bureau of markets. Peaches, potatoes and dry onions are given separate treatment in the act, additional container markings being required for them. Penalties for violation are changed. [Amended House Bill No. 416, effective date October 15, 1949, OHIO GEN. CODE §§ 1089-2, 13128-2, -3, -4, -5, -6, -7, and -10 (amended); §§ 13128-11 to 13128-11h (enacted).]

GARAGE KEEPER — penalty prescribed for defrauding.

The former section of the criminal code relating to defrauding livery stable keepers is amended to include the hiring of motor vehicles and trailers from garage keepers and to increase the maximum penalties to a fine of \$200, three months in jail or workhouse, or one to five years in the penitentiary. [Amended Senate Bill No. 314, effective date October 25, 1945, OHIO GEN. CODE § 13130 (amended).]

GARBAGE AND JUNK DISPOSAL along public ways is prohibited.

The disposal in any manner of garbage, junk, refuse, or anything of an unsightly or unsanitary nature on, along or near any street or highway or ditch or any public way is prohibited, except where such dumping is permitted by a zoning commission, ordinance or other governmental authority. To allow any such refuse to be strewn along a public way while hauling it is also prohibited. Violations of either section are misdemeanors which may be punished by a fine of not more than \$50 or imprisonment for 30 days, or both. [House Bill No. 15, effective date July 13, 1949, OHIO GEN. CODE §§ 12652, 12652-1, and 12652-2 (enacted).]

GARBAGE DISPOSAL DISTRICTS may be established by counties.

County commissioners may establish garbage and refuse disposal districts in their counties, outside of incorporated municipalities and may construct, maintain and operate a collection system. The commissioners may fix charges for such service and may issue revenue bonds to be retired from the money so collected. [Amended Senate Bill No. 403, effective date October 26, 1949, OHIO GEN. CODE §§ 6600-6600-7 (enacted).]

GENERAL ASSEMBLY — mileage allowance increased.

The mileage allowance of members of the general assembly is increased from five to six and one-half cents per mile. The same allowance is made to clerks and sergeants at arms of the two houses. [Amended Substitute House Bill No. 482, effective date July 22, 1949, OHIO GEN. CODE §§ 50 and 51 (amended).]

GENERAL CODE SECTIONS REPEALED.

This act repeals approximately 300 sections of the General Code which have been deemed to be obsolete, antiquated, redundant, duplicitous, or unconstitutional. [Amended Senate Bill No. 119, effective date August 25, 1949, OHIO GEN. CODE §§[24a] (104 v. 178, S.B. 1, § 3), [24b] (104 v. 178, S.B. 1, § 4), 31-2, 52, 154-44, 412-15, 412-32, 421, 425, 469-2, 485-11, 553, 608, 614-62, 614-82, 710-17a, 846 to 871 inc., 1038-37, 1078-57, 1078-58, 1081-25, 1083-12, 1083-26, 1087-1, 1089-7, 1177-83, 1185-19, 1243-12, 1258-7, 1261-9, [1261-40a] (108 v. Pt. II 1085, H.B. 633, § 2), 1270-1, 1275-1, 1306-1, 1306-2, 1307-1, 1335-10, 1345-8a, 1345-13a, 1345-13b, 1345-31, 1345-32, 1347-3, 1347-21, [1348-1] (115 v. 347, S.B. 99, § 14), 1359-28, 1427 (113 v. 551, S.B. 131, § 1), 1428a, 1428-4a, 1428-5a, 1431-1, 1465-37, 1465-40, 1465-41, 1579-708, 1683-31, 1700 to 1705 inc., 1815-13, 1815-14, 1815-15, 1816, 1867, [1871-1] (102 v. 211, H.B. 146, § 39, 2d sentence), 1890-

113, 1890-114, 2034-1 to 2034-7 inc., [2034-8] (103 v. 754, H.B. 532, § 8), 2034-9, 2034-10, 2078, 2209-22, 2235-1, 2235-2, [2235-3] (102 v. 106, S.B. 238, § 3), [2264-3] (106 v. 508, S.B. 158, § 2), [2288-1b] (115 v. 415, H.B. 689, § 3), 2293-5t (a), 2293-90, 2296-23, 2296-24, [2672a] (114 v. 825, S.B. 326, § 3, par. 1, sentences 2, 3, and 4), 2699, 2713, [3391-13] (118 v. 710, H.B. 675, § 14), 3724, 4005-5, 4227-13, 4612-7, 4678, 4785-179d, 4848-4a, 4862-3, 4863, [5348-15] (108 v. Pt. I 561, S.B. 175, § 4), [5348-16] (108 v. Pt. II 1167, H.B. 705, § 1), 5504, 5525, 5537-1, 5545-2a, 5545-30, 5546-24b, 5546-26c, 5546-47, 5546-50, 5549, 5550, [5578-1] (106 v. 246, H.B. 29, § 1), 5624-16 to 5624-34 inc., 5701, [5704a] (114 v. 825, S.B. 326, § 3, par. 1, 3d and 4th sentences), 5718-4, 5877, 6064-29a, 6212-11, 6290-20, 6302-24, 6309-3, 6330-12, 6373-51, 6422-10, 6535-1, 6535-2, 6535-2 [6535-25] (102 v. 80, H.B. 18, § 2), 6773, 6828-79, 6905-6, 6956-1 [7574-1] (103 v. 132, S.B. 149, § 1), 7464-5, 7497, 7568, [7574-2] (106 v. 574, S.B. 125, § 300), [7574-3] (106 v. 574, S.B. 125, § 302), [7574-4] (106 v. 574, S.B. 125, § 303), [7574-5] (107 v. 69, H.B. 300, § 2), [7574-6] (107 v. 69, H.B. 300, § 3), [7574-7] (108 v. Pt. I 380, H.B. 460, § 1), 7626, 7896-36a, 7896-101a, 8572-64b, 8572-118, 8624-69, 8624-42, 8840, 8841, 8842, 8843 (112 v. 430, H.B. 67, § 89), 8909, 8910, 8911, 8912, 8993-53, 8993-54, 8994, 9109, 9149-10, 9196, 9323, 9592-18, 10503-10, 10503-31, 10503-32, 10512-25, 11588-1, 11979-3, [12078-2] (106 v. 574, S.B. 125, § 301), 12601, 12914, 13000, 13366, 13367, 13369, 13400, 13460-1, 13793, 13801, 13810, 13825, 13831, 13834, 13842, 13844, [13845-3] (103 v. 171, H.B. 498, § 3), [13918-23] (106 v. 7, H.B. 167, § 3), 13927 to 13934 inc., 13952, 13990, 13991, 13992, 13996-2 to 13996-15 inc., [14152-9] (102 v. 490, S.B. 213, § 7), 14152-9a, 14153-11, 14178-12, 14178-26, 14178-52, 14188, [14188-7] (102 v. 168, S.B. 259, § 7), [14188-8] (102 v. 168, S.B. 259, § 8), 14198, 14199, 14200, 14220, 14221, [14225-1] (102 v. 211, H.B. 146, § 38), [14225-2] (102 v. 211, H.B. 146, § 39), [14225-3] (102 v. 211, H.B. 146, § 40), [14684-1] (106 v. 332, H.B. 572, § 1), [14684-2] (106 v. 332, H.B. 572, § 2), [14684-3] (108 v. Pt. I 191, S.B. 63, § 1), [14684-4] (108 v. Pt. I 191, S.B. 63, § 2), [14684-5] (108 v. Pt. I 191, S.B. 63, § 3), [14684-6] (108 v. Pt. I 191, S.B. 63, § 4), [14684-7] (108 v. Pt. I 191, S.B. 63, § 5), 14687, 14694-11, 14695-19, 14828, 15116, 15118, 15131, 15133, 15135, 15143, 15144, 15147, 15148, 15150, 15289-11, and 15289-12 (repealed).]

GUARDIANSHIP proceedings to administer veterans benefits exempt from costs.

When the primary purpose of the appointment of a guardian is to collect, disburse or administer money awarded by the veterans administration to the ward no probate costs shall be taxed in the appointment or in proceedings pursuant thereto unless the value of

the estate, including the veterans benefits, exceeds \$1,500. [Amended House Bill No. 369, effective date October 25, 1949, OHIO GEN. CODE § 10507-2 (amended).]

HEALTH, BOARDS OF — power to prevent discharge of wastes.

A board of health is expressly empowered to require that no human waste, animal waste or household wastes from sanitary installations be discharged into a storm sewer, open ditch or water course without a permit secured from the board. [Amended House Bill No. 352, effective date October 25, 1949, OHIO GEN. CODE § 1261-42 (amended).]

HEALTH DEPARTMENT — jurisdiction to inspect plumbing changed.

See Plumbing inspection, this index.

HEALTH DEPARTMENT to operate tuberculosis hospital at Ohio State University.

See Tuberculosis hospital, this index.

HEALTH DEPARTMENT — fee charged for certification of birth.

See Certification of birth, this index.

HEALTH DEPARTMENT to keep records of marriages, divorces and annulments.

The Department of Health, division of vital statistics, shall keep a permanent record of all marriages, divorces and annulments in Ohio. The probate judge will furnish abstracts of each marriage record and the clerk of each common pleas court will furnish abstracts of all decrees of divorce and annulment. A fee of fifteen cents will be added to the marriage license fee and to the court costs in cases of divorce and annulment. [Amended Senate Bill No. 23, effective date September 7, 1949, OHIO GEN. CODE §§ 1261-69 and 1261-70 (enacted).]

HEALTH DEPARTMENT to regulate treatment, disposal, and discharge of sewage.

See Sewage treatment, this index.

HIGHWAY DEPARTMENT to cooperate in construction of park roads and drives.

The director of highways is authorized after agreement with appropriate boards of park commissioners to proceed with the construction, improvement, repair and maintenance of park roads and park drives and roads from state highways into parks which are in park districts or township park districts. The cost of these roads and parks shall be paid in the same manner as provided for state highway improvement. Maximum expenditures shall be \$10,000 per mile and \$100,000 per year. [House Bill No. 111, effective date August 3, 1949, OHIO GEN. CODE § 1178-24a (enacted).]

HIGHWAY PATROL retirement contributions and benefits increased.

Each member's contribution to the highway patrol pension fund is increased from 4% of his salary to 5%, plus a portion of the expenses not to exceed one dollar per year. The age of permissible retirement is reduced from fifty-five to fifty-two and the amount of the monthly pension is to be determined on the basis of the member's highest salary for any five years, with an additional payment for service in excess of twenty years. Benefits are provided for widows and dependents. Credit is to be given for time spent in the armed services if the member pays in contributions covering that period. [Amended House Bill No. 242, effective date October 14, 1949, OHIO GEN. CODE §§ 1185-12, -15, -16, -17, -18, -20, -21 and -22 (amended).]

HIGHWAYS.

Highway United States Route 22 was named the "Sherman-Sheridan-Stanton-Custer Highway." [Amended Senate Bill No. 378, effective date October 12, 1949, OHIO GEN. CODE § 1180-11 (enacted).]

HIGHWAYS.

That portion of highway United States Route 23, also known as the "United Spanish War Veterans Memorial Highway," running through Wyandot, Marion, Delaware, Franklin, Pickaway, Ross, Pike, and Scioto counties was named the "Scioto Trail." [Amended Senate Bill No. 304, effective date October 7, 1949, OHIO GEN. CODE § 1180-4 (amended).]

HIGHWAYS.

Highway United States Route 33 was named the "Blue and

Grey Trail." [Amended House Bill No. 453, effective date September 26, 1949, OHIO GEN. CODE § 1180-9 (enacted).]

HIGHWAYS.

Highway United States Route 50 and alternate 50 was named the "George Washington Highway." [Amended Senate Bill No. 36, effective date July 8, 1949, OHIO GEN. CODE § 1180-8 (enacted).]

HIGHWAYS.

Highway Ohio Route 28 was named the "General Duncan McArthur Highway." [Amended Senate Bill No. 313, effective date October 7, 1949, OHIO GEN. CODE § 1180-10 (enacted).]

HIGHWAYS.

Highway Ohio Route 136 was named the "Governor Thomas Kirker Highway." [Amended Senate Bill No. 416, effective date October 25, 1949, OHIO GEN. CODE § 1180-12 (enacted).]

HORSE RACING MEETS — Petition may be required to obtain permit.

This amendment requires that whenever an application to the state racing commission requests a permit for a horse racing meet at a location at which such a racing meet has not previously been conducted by permission of the commission, then the application must be accompanied by a petition signed by at least 51% of the qualified electors who voted for governor in the next preceding general election in the township in which the racing meet is to be conducted. County fair racing meets are excepted from this provision. [Amended House Bill No. 456, effective date September 16, 1949, OHIO GEN. CODE § 1079-4 (amended).]

HOSPITAL REIMBURSEMENT LAW — maximum per diem cost increased.

The maximum per diem cost allowed to hospitals for the care of indigent persons injured in motor vehicle accidents is increased from six dollars to ten dollars. Clarifying changes are made in other sections of the law. [Amended Senate Bill No. 196, effective date October 18, 1949, OHIO GEN. CODE §§ 6308-7, 6308-8, 6308-10, 6308-11, 6308-12 and 6308-14 (amended).]

HOSPITALS operated by municipalities to have larger boards of trustees of funds.

See Municipal hospitals, this index.

HOUSE TRAILERS — property tax imposed effective in 1951.

An annual tax of eighteen dollars is imposed on each house trailer beginning April 1, 1951, the proceeds of the tax to be distributed to the local subdivisions in which the trailer is located at the time the tax becomes due. Trailers bearing out of state license plates will be exempt from the tax for a period of ninety days provided no person occupying the trailer is employed in Ohio. Beginning April 1, 1951, an annual registration fee of five dollars will be substituted for the present graduated registration fee on house trailers. [Amended Substitute House Bill No. 460, effective date March 1, 1951 (by the act). OHIO GEN. CODE §§ 6290, 6292 and 12613 (amended); § 6292-2 (enacted).]

HOUSING AUTHORITY — property declared tax-exempt.

All property of the housing authority used for carrying out the purposes of the act is declared to be public property used exclusively for a public purpose and to be exempt from taxation. [Amended House Bill No. 179; Amended House Bill No. 273, effective date October 6, 1949, OHIO GEN. CODE §§ 1078-36 and 5356 (amended). See comment on these acts, Part I, [REDACTED] supra.]

INSTALLMENT SALES, retail — finance charges limited and disclosure required.

Finance charges on installment sales of specific goods are limited to 8%. A copy of a written contract which conforms to the disclosure requirements of the act must be delivered to the buyer. The act applies only where the finance charge exceeds fifteen dollars. [Senate Bill No. 94, effective date August 10, 1949, OHIO GEN. CODE §§ 6346-15 to 6346-27 (enacted). See comment on this act, Part I, [REDACTED] supra.]

INSURANCE AGENTS — procedure provided for revoking license.

The superintendent of insurance is authorized to refuse or revoke a license, in case of insurance other than life, if the principal use of such license has been, or is, to procure insurance for the agent himself, or for a violation of the provisions against rebates set out in Ohio General Code Section 9589-1. Procedure for the investigation of complaints of such violations, including notice,

hearing, and appeal to the common pleas court of Franklin County, is established by this act. [House Bill No. 274, effective date August 12, 1949, OHIO GEN. CODE § 644-3 (amended).]

INSURANCE BROKERS — licensing of foreign.

Persons entitled to solicit insurance other than life insurance in the Dominion of Canada are accorded the same right to receive a foreign broker's license to place such insurance in this state as is accorded insurance brokers of other states of the United States. [Amended Senate Bill No. 283, effective date October 25, 1949, OHIO GEN. CODE § 644-2 (amended).]

INSURANCE — coercive practices in sale of, prohibited.

Those selling or financing the purchase of, or lending money on the security of, real or personal property are forbidden to require that the property be insured through a particular insurance company, agent, solicitor or broker. Violation is made a misdemeanor, and the insurance license of an offender may be revoked. [Amended Senate Bill No. 229, effective date October 12, 1949, OHIO GEN. CODE § 9589-5 (enacted).]

INSURANCE, health or accident — sale of in unauthorized companies prohibited.

The prohibition against the sale of insurance in companies not authorized to do business in the state is extended to health or accident insurance. [Amended House Bill No. 625, effective date October 25, 1949, OHIO GEN. CODE § 654-11 (amended).]

INSURANCE — restriction on reinsurance of fire risks lessened.

The section of the General Code which forbade the reinsurance of fire risks on property located in this state with any company not authorized to do business in this state is amended to permit such reinsurance if the company procuring the reinsurance has been authorized to do business in Ohio for at least five years and if the reinsuring company has been authorized to do business in another state or territory of the United States for at least five years. If the reinsuring company is one formed under the laws of a foreign country it must have been admitted to do business in some state or territory for at least ten years and must have at least 50 million dollars in trust for the benefit of its policy-holders in the United States. Such foreign company must also have appointed an agent in Ohio to accept service.

[Amended Senate Bill No. 147, effective date October 12, 1949, OHIO GEN. CODE § 5439 (amended).]

INTERSTATE COOPERATION — membership of committees increased.

The membership of the senate committee, the house committee and the governor's committee on interstate cooperation is increased from five to seven. [Amended House Bill No. 632, effective date October 14, 1949, OHIO GEN. CODE §§ 1379-1, -2 and -3 (amended).]

INTOXICATING LIQUORS — private agencies limited.

Private persons, firms or corporations may act as the state's agent for the sale of spiritous liquor only in municipalities of less than ten thousand population and only if there is no state liquor store located there. No such agency shall be established within three miles of a state store and all such agencies shall observe the same opening and closing hours as state stores. [Amended Substitute House Bill No. 265, effective date October 26, 1949, OHIO GEN. CODE § 6064-11 (amended).]

JUDGES AND CLERK OF DAYTON MUNICIPAL COURT to serve six-year terms in office.

The chief justice, the judges and the clerk of the municipal court of Dayton shall hold their offices for a term of six years. The term of office was four years heretofore. [House Bill No. 39, effective date March 22, 1949, OHIO GEN. CODE § 1579-48 (amended).]

JUNK DEALERS to keep book of records.

See Scrap metal dealers, this index.

JURY DUTY — exemption from; compensation of jurors.

Registered nurses, dentists, school teachers and nuns are added to the list of those exempt from jury service but any person exempted may waive the exemption. See *Glassinger v. State*, 24 Ohio St. 206. No person may be exempted by reason of a financial contribution to any organization, public or private. See *Hamann v. Heekin*, 88 Ohio St. 207, holding a statute granting such an exemption unconstitutional.

The mileage allowance of jurors is raised to 5 cents per mile

per day, from 3 cents per mile per week. [Amended House Bill No. 52, effective date October 18, 1949, OHIO GEN. CODE § 11419-43 (amended).]

JUVENILE COURT may assign bastardy cases to common pleas court.

This amendment provides that where a complaint in a bastardy case is pending in a juvenile court separately and independently created by law, the judge may, unless trial by jury is waived, bind the accused to appear before the next term of the common pleas court. [Amended House Bill No. 169, effective date September 26, 1949, OHIO GEN. CODE § 12115 (amended).]

JUVENILE COURT reports may be printed and distributed.

Juvenile Courts are required by statute to prepare annual reports showing the number and kinds of cases that have come before the court, the disposition of cases, etc. This act provides that with the approval of the county commissioners copies of such reports may be printed and distributed to persons and agencies interested in the community program for dependent, neglected and delinquent children. [Amended House Bill No. 113, effective date September 26, 1949, OHIO GEN. CODE § 1639-13 (amended).]

JUVENILE-AND-PROBATE JUDGES' maximum salary adjusted.

See salary adjustment, this index.

LAWS OF OHIO—number of bound copies to be printed reduced.

The number of bound copies of the general laws to be printed by the secretary of state is reduced from eighteen thousand to six thousand. [Amended Senate Bill No. 35, effective date September 26, 1949, OHIO GEN. CODE § 2278 (amended).]

LIBRARIES—public library trustees to share in property tax residue.

See Property tax fund, this index.

LIBRARIES—regional library districts may be created.

The county commissioners of two or more contiguous counties may, by joint resolution, create a regional library district and establish a library to be under the control of a seven member board of trustees. The county commissioners may annually levy

a tax on the taxable property in such district, not to exceed one mill. [Amended House Bill No. 25, effective date September 30, 1949, OHIO GEN. CODE §§ 7643-1a and 7643-11 (amended); §§ 7643-15, -16, -17 and -18 (enacted).]

LICENSE FEES of various agricultural producers increased.

The license fees payable to the department of agriculture by milk dealers, commercial bakeries, nurserymen, manufacturers of feed stuffs and manufacturers of commercial fertilizers are increased. The new fees for bakers are based on capacity to produce; those for manufacturers of feed stuffs and commercial fertilizer are based on the quantity of production and semi-annual reports are required. [Amended Senate Bill No. 311, effective date October 21, 1949, OHIO GEN. CODE §§ 1080, 1080-12, 1080-22, 1090-41, 1137, 1138-2, 1140-6a, 1143, 1154 and 1155-18 (amended); §§ 1138-3 and 1155-29 (enacted).]

LICENSE NUMBERS — additional fee charged for special reserved numbers.

The registrar shall be allowed an additional fee, not to exceed one dollar, for the additional service required in issuing special reserved license plate numbers. Any surplus over the cost of issuing such numbers is appropriated to the use of the maintenance and repair fund of the highway department. [Amended Senate Bill No. 340, effective date October 6, 1949, OHIO GEN. CODE § 6294 (amended).]

LIEN OF MOTOR VEHICLE — procedure for noting discharge changed.

See Motor vehicle, this index.

LIQUOR CONTROL BOARD may regulate prices of bottled wine.

The board of liquor control was given power to regulate the manner and method of selling bottled wine. The board may require dealers to file schedules of wholesale and retail prices, and the board may determine minimum mark-ups at wholesale and retail and may fix minimum prices at which bottled wine shall be sold at wholesale or retail or both. [Amended Substitute Senate Bill No. 159, effective date September 20, 1949, OHIO GEN. CODE § 6064-3a (enacted).]

LIQUOR PERMITS — duplicate permits required for more than two bars on permit premises.

With D-2, D-3, D-3A, D-4 or D-5 permits not more than two bars shall be operated on the permit premises. For each additional bar the permit holder must obtain a duplicate permit at a fee ranging from \$100 to \$1,000. [Amended Substitute Senate Bill No. 388, effective date October 25, 1949, OHIO GEN. CODE § 6064-15b (enacted).]

LIVESTOCK REMEDIES — manufacture and sale regulated.

Livestock remedies, defined to include preparations or articles for use in eradicating parasites as well as for internal use, are to be sold only if registered with the director of agriculture. The director is empowered to impound any remedy suspected of being adulterated or misbranded and, if found to be so, to petition a police, county or district court for a libel of condemnation. Detailed labeling regulations are enacted. The sections of the general code regulating the manufacture and sale of animal feed stuffs are amended to exclude from their operation preparations which are within this act. The sections of the general code regulating the manufacture and sale of insecticides and fungicides are repealed. [Amended Substitute House Bill No. 567, effective date October 27, 1949, OHIO GEN. CODE §§ 1140-23 to 1140-38 (enacted); §§ 1141 to 1147 (amended); §§ 1177-29 to 1177-42 (repealed).]

LOCAL BOARDS OF EDUCATION may purchase supplies and equipment through county boards.

Ohio General Code Section 4844-2 had provided temporary authority for local boards of education to purchase supplies and equipment or to receive donations through the county boards. By deleting the phrase "prior to April 15, 1949" this amendment makes that authority permanent. Local boards are given authority to provide bulletins and other materials necessary for effective administration of schools in the same paragraph which provides that authority for city, exempted village, and county boards of education. [Amended Senate Bill No. 58, effective date April 6, 1949, OHIO GEN. CODE § 4844-2 (amended).]

LOCAL GOVERNMENT UNITS — limitations on expenditures changed.

In several sections of the general code which authorized expenditures without reference to certain formalities, such as the laws of competitive bidding, where the amount involved did not exceed five hundred dollars the maximum figure is raised to one

thousand dollars. The provision that the fiscal officer of a subdivision or taxing unit might authorize amounts less than fifty dollars to be paid without affirmation of the taxing authority is changed to allow such payment when the amount does not exceed one hundred dollars. Villages may authorize street repairs in an amount less than one thousand dollars without preparing plans, specifications, estimates of cost or forms of contract. [Amended Substitute Senate Bill No. 4, effective date October 12, 1949, OHIO GEN. CODE §§ 3627, 3751, 4221, 4328, 4371, and 5625-33 (amended).]

LOCAL GOVERNMENT UNITS may acquire and operate off-street parking facilities.

See Municipal corporations, this index.

LOCAL GOVERNMENT UNITS may appoint memorial trustees before election.

See War memorial, this index.

LOCAL GOVERNMENT UNITS may exceed ten-mill limitation by vote of 55% or 60% of electors.

From April 6, 1949, to December 31, 1950, the taxing authority of any subdivision other than a school district may declare the necessity of levying taxes outside the ten-mill limitation and may provide for the submission of the question to the voters at a general, primary or special election. Such a tax levy shall be made upon the approval of 60% of the electors voting at a primary or special election or 55% at a general election. Anticipation notes may be issued up to 50% of the estimated proceeds. [Amended Substitute Senate Bill No. 63, effective date April 6, 1949. See comment on this act, Part I, supra.]

LOCAL GOVERNMENT UNITS may jointly construct and use sanitary plants.

The legislative body of any city or village or trustees of any township may contract with any other city, village or township jointly to plan, construct, operate, use and maintain a sanitary plant. [House Bill No. 29, effective date August 3, 1949, OHIO GEN. CODE § 4471 (enacted).]

MANICURISTS — qualifications for license changed.

See Cosmetology, this index.

MATRONS in county jails — adjustment in maximum salary for.

See Salary, this index.

MECHANICS' LIEN records may be destroyed after ten years.

The county recorder may destroy the record of all mechanics' liens which have been recorded for a period of ten years or longer. [Amended Senate Bill No. 102, effective date October 25, 1949, OHIO GEN. CODE § 8321 (amended).]

MECHANICS' LIENS on registered land may be cancelled after six years.

Upon written application of the owner of land registered under the Torrens act, a county recorder may cancel from the certificate of title a mechanic's lien which has remained uncanceled for a period of six years and one day from the date of registering the lien, provided no notice of suit affecting the lien has been noted on the register. [Amended House Bill No. 140, effective date October 6, 1949, OHIO GEN. CODE § 8572-54 (amended).]

MENTALLY ILL — provision made for admission to mental hospital without court proceeding.

Any person may be admitted to a mental hospital and detained for a period up to six months on written application of a member of his family, a friend, or person with whom he resides, or by a peace officer where such person is in jail. Such written request must be accompanied by a medical report and certification by two licensed physicians who have examined the patient within ten days. Upon written request of the patient himself, or of someone in his behalf, the official in charge of the hospital must either release the patient or, within five days, file an affidavit in probate court as provided in Section 1890-23 of the general code. In any event such an affidavit must be filed within 120 days, if the patient has not sooner been released. [Amended House Bill No. 493, effective date September 26, 1949, OHIO GEN. CODE §§ 1890-111 to 1890-111g (enacted).]

METROPOLITAN HOUSING AUTHORITIES brought within public employees' retirement system.

See Public employees' retirement system, this index.

MILEAGE ALLOWANCE of members of general assembly increased.

See General assembly, this index.

MILITARY — increased expenditure authorized.

Amounts which may be expended by the state for military purposes are increased to \$150,000 for an armory for one organization and fifty thousand dollars for each additional national guard unit for which quarters are to be provided; five thousand dollars for equipping each armory built or purchased; and five thousand dollars to each organization for rent, heat, etc. For the care of state property and other incidental expenses there is to be allowed one thousand dollars to each headquarters of infantry division and three hundred dollars to each band. [Amended House Bill No. 239, effective date October 18, 1949, OHIO GEN. CODE §§ 5242 and 5267 (amended).]

MINING LAWS — new fire and safety provisions added.

A new section requiring fires in coal seams to be reported to the chief of the bureau of mines and for immediate investigation of such fires is added to the mining laws. The section provides for emergency purchases to enable the immediate extinguishment of fires occurring in outcrops of coal seams. Amendments to other sections require the withdrawal of workers when the air contains more than two per cent methane and, unless specified safety conditions are met, when it contains more than one and one-half per cent methane. The re-use of air which has passed over abandoned workings is prohibited in "gassy" mines. The term "gassy" is defined more specifically than in the former law. Deputy inspectors are directed to re-visit any mine to which a compliance order has been issued for the purpose of checking such compliance. [Amended Senate Bill No. 297, effective date August 26, 1949, OHIO GEN. CODE §§ 898-9, -30, -45, -46, -48, -53, -93, -108, and -151 (amended), § 898-69a (enacted).]

MINORS may be employed in professional theatrical productions, etc.

This act provides that a special age and schooling certificate may be issued permitting the employment of a minor under 18 years of age in professional theatrical, concert, personal appearance and such productions. The theatre manager must apply to the local superintendent of schools. The minor so employed may work not more than 4 hours per day or 24 hours per week, may work not later than 11:30 P.M. He must be accompanied by a par-

ent, guardian, or custodian. Provision must be made for educational instruction, moral supervision, and rest or recreation periods. [Amended Senate Bill No. 330, effective date October 6, 1949, OHIO GEN. CODE § 12993-4 (enacted).]

MORTGAGES including two or more properties may be used in loan transactions.

See Building & loan associations, this index.

MOTOR CARRIERS — taxing provisions altered.

General Code Sections 614-94 and 614-112, relating to the taxing of vehicles used by motor carriers are amended by House Bill No. 565. The salient features of the act are: (1) close intercorrelation of the provisions of the two sections; (2) equalization of the taxing rates as between motor transportation companies and common carriers by motor vehicle, on the one hand, and, on the other, private motor carriers and contract carriers by motor vehicle; (3) substitution of fixed formula for bracket-rate taxation of all motor vehicles used for transporting persons; (4) exemption of trailers from this tax; (5) replacement of administrative discretion by legislative specification of the tax provisions governing temporary, seasonal and multiple-ownership use of vehicular equipment; and (6) provision for collection of and accounting for the taxes by the public utilities commission. [Amended House Bill No. 565, effective date September 30, 1949, OHIO GEN. CODE §§ 614-94 and 614-112 (amended).]

MOTOR VEHICLE dealers and salesmen, licenses — expiration and renewal of.

All licenses of motor vehicle dealers and salesmen will expire on March 31 next following the date of issuance and an application for renewal must be filed before April 1. All licenses issued during the 1949 registration year will expire on March 31, 1950. [Senate Bill No. 293, effective date October 21, 1949, OHIO GEN. CODE § 6302-6 (amended).]

MOTOR VEHICLES — church bus license fee to be ten dollars.

See Church bus, this index.

MOTOR VEHICLES — fee for noting liens changed.

The fee to the clerk of courts for notation of a lien on the

certificate of title to a motor vehicle is increased from thirty cents to sixty cents. The provision for a fee of thirty cents for notation of the cancellation of a lien is eliminated. [Amended House Bill No. 280, effective date October 12, 1949, OHIO GEN. CODE § 6290-15 (amended).]

MOTOR VEHICLES — operator's and chauffeur's licensing provisions changed.

Licenses showing an expiration date of September 30, 1950 shall expire on the first birthday of the licensee occurring thereafter. Licenses issued after September 30, 1950 shall expire on the birthday of the licensee occurring in the third year after the date of issue. In years in which February 29 does not occur persons who were born on that date are considered as having been born on March 1. The minimum age at which a chauffeur's license can be obtained is raised from sixteen to eighteen. [Amended Substitute House Bill No. 121, effective date September 1, 1949, OHIO GEN. CODE §§ 6296-7, 6296-8, 6296-9, 6296-13, 6296-15, 6296-22, and 6296-23 (amended).]

MOTOR VEHICLES — load limits revised.

The provisions regulating the maximum load limits of vehicles and loads upon the public highways and streets were revised in many points of detail. In general the revisions are upward. [Amended Substitute Senate Bill No. 163, effective date October 18, 1949, OHIO GEN. CODE § 7248-1 (amended).]

MOTOR VEHICLES — penalty for violating weight provisions changed.

The penalty for violating the overload restrictions imposed by the motor vehicle code is changed so that it varies with the amount of overload. In addition to a basic twenty-five dollar fine there is a penalty of one dollar for each one hundred pounds of overload in excess of two thousand pounds and two dollars for each one hundred pounds of overload in excess of ten thousand pounds. Imprisonment may be imposed for overloads in excess of five thousand pounds. [Amended Substitute Senate Bill No. 170, effective date October 18, 1949, OHIO GEN. CODE § 7250-1 (amended).]

MOTOR VEHICLES — permissible height increased for vehicles transporting other vehicles.

The loaded height of a motor vehicle designed to transport

other motor vehicles may reach a maximum of thirteen feet six inches. Under the former law twelve feet six inches was the maximum for all. [Amended Senate Bill No. 218, effective date October 18, 1949, OHIO GEN. CODE § 7248-2 (amended).]

MOTOR VEHICLES — procedure on discharge of lien changed.

This act provides that upon the discharge of a lien on a motor vehicle the holder of the lien shall either present the certificate of title to the clerk of courts for the purpose of having the cancellation noted or shall, within ten days, deliver a written notice of such cancellation to the clerk. The former law provided that the owner might present the certificate to the clerk in order to have the cancellation noted. [Amended House Bill No. 280, effective date October 12, 1949, OHIO GEN. CODE § 6290-9 (amended).]

MOTOR VEHICLES — registrar allowed additional fee for special reserved numbers.

See License numbers, this index.

MOTOR VEHICLES — registration of state owned.

Motor vehicles acquired by the state or any political subdivision thereof are to be registered, whether used for governmental or proprietary functions. No charge is to be made for vehicles used exclusively in the performance of such functions. [Amended House Bill No. 211, effective date October 25, 1949, OHIO GEN. CODE § 6295 (amended).]

MUNICIPAL CORPORATIONS may acquire and operate off-street parking facilities.

Municipal corporations are authorized to acquire off-street parking facilities and lands therefor, and to construct and operate such facilities. This act provides three different methods of financing the development of parking lots and garages: through the use of (1) unencumbered moneys in the general fund, (2) general obligation bonds, and (3) mortgage revenue bonds. [House Bill 234, effective date August 12, 1949, OHIO GEN. CODE §§ 3939-2 and 3939-3 (amended) and §§ 3939-4 and 3939-5 (repealed).]

MUNICIPAL HOSPITALS to have larger boards of trustees of funds and property.

Whenever a municipal hospital receives a gift, grant, devise

or bequest of funds or property, the management and control of such funds and property is vested in a board of trustees, formerly four trustees. This amendment provides a board of 8 trustees, each to hold office for a term of four years. Not more than 4 members of the board shall be of the same political party; 5 members shall constitute a quorum. [Amended House Bill No. 296, effective date September 16, 1949, OHIO GEN. CODE §§ 4038 and 4041 (amended).]

MUSEUM AND LIBRARY PROPERTY — penalty for destroying increased.

The penalty for defacing or destroying art or scientific material or other materials of libraries and museums was a fine of not more than \$100 or 30 days in prison, or both. The maximum fine is increased to \$500. [Amended Substitute House Bill No. 122, effective date October 7, 1949, OHIO GEN. CODE § 12488 (amended).]

NARCOTICS — control of.

Isonipecaïne, amidone, isoamidone and keto-bemidone, all recently discovered synthetic painkilling but habit-forming drugs, are added to the list of narcotic drugs the manufacture and distribution of which is controlled. The statute, the uniform narcotic drug act, formerly listed only coca leaves, opium and cannabis. [Amended Senate Bill No. 222, effective date September 8, 1949, OHIO GEN. CODE § 12672-1 (amended).]

NATURAL RESOURCES — a new department.

This act creates a department of natural resources of equal rank with the departments of finance, commerce, highways, health, and others. The governor will appoint a \$10,000-a-year director of the new department, which will function through the following seven divisions: Lands and soil, Water, Forestry, Wild life, Geological survey, Parks, and Beach erosion, each headed by a Chief of division. A natural resources commission is created to consist of seven persons who will be appointed to seven-year terms to serve without compensation. The purpose of the act is to bring together in one department the various state agencies engaged in the conservation of natural resources, to increase efficiency in the conduct of the conservation function. [Amended Senate Bill No. 13, effective date August 11, 1949. Amended: OHIO GEN. CODE §§ 154-3, 154-6, 154-40, 154-42, 375-11, 375-12, 408, 408-2, 408-3, 408-10, 408-11, 408-12, 412 to 412-14 inc., 412-16 to 412-22 inc., 412-24 to 412-29 inc., 412-31, 469-1, 470, 471, 472, 473, 474-2 to 476 inc.,

478 to 483-1 inc., 483-3, 484, 486, 802, 1173-1, 1177-10a to 1177-10d inc., 1177-10f, 1177-10g, 1177-10i, 1177-10j, 1177-10t, 1177-10y, 1177-10z, 1177-10aa to 1177-10ff inc., 1390, 1391, 1392, 1395, 1396, 1398-3, 1398-3a, 1409, 1409-1, 1412-1, 1414-1, 1415, 1416, 1420-1, 1423, 1423-1, 1424, 1425, 1427 (113 v. 699), 1428-5, 1430, 1432 to 1436-1 inc., 1438 to 1438-3 inc., 1439, 1441 to 1446 inc., 1448, 1449, 1450, 1452, 1453, and 1454; Enacted: OHIO GEN. CODE §§ 154-10 to 154-10e inc., 479-1a, 479-4, 802-1, 802-2, and 802-3; Repealed: OHIO GEN. CODE §§ 375-10, 375-12a, 408-1, 408-4 to 408-9 inc., 408-13, 412-15, 412-30, 469-2, 472-1, 809, 810, 1173-2, 1177-10e, 1177-11, 1427 (113 v. 551), 1428a, 1428-4a, 1428-5a, 1431-1, 1438-4, and 1447a. See comment on this act, Part I, p. 426 supra.]

NEW TRIAL — fiduciaries need not give bond.

See Fiduciaries, this index.

NOTARY PUBLIC — ineligibility in bank cases removed.

Section 121 of the General Code, which provided that no person holding an official relation to a bank, banker or broker could act as a notary in any matter in which the bank, banker or broker was interested, is repealed. [Amended House Bill No. 403, effective date October 14, 1949, OHIO GEN. CODE § 121 (repealed).]

OHIOANA LIBRARY ASSOCIATION to receive state financial aid.

The Governor is directed to appoint four members to the board of trustees of the Martha Kinney Cooper Ohioana Library Association, these four members to serve in addition to the regularly constituted board of this corporation not for profit. The State of Ohio is authorized to grant financial aid to the Association. [Amended Substitute Senate Bill No. 216, effective date September 16, 1949, OHIO GEN. CODE §§ 154-54 and 154-54a (enacted).]

OHIO STATE UNIVERSITY medical center to include state tuberculosis hospital.

See Tuberculosis hospital, this index.

OPTOMETRY, practice of — Regulations amended.

Five college years of study (instead of two) are now required for eligibility to take the examination for admission to the licensed practice of optometry. No applicant can take more than four examinations in Ohio. The annual renewal registration fee is in-

creased from \$5 to \$10. *Ipsa facto* revocation of the license is the sanction for nonpayment. Provisions for licensure by reciprocity have been changed. [Amended Senate Bill No. 50, effective date August 11, 1949, OHIO GEN. CODE §§ 1295-22, 1295-24, 1295-25, 1295-27, 1295-28, 1295-29, 1295-30, and 1295-32 (amended).]

PARK COMMISSIONERS may deposit funds according to uniform depository act.

Any board of park commissioners is authorized to select a depository for the funds of the park district in the manner provided in the uniform depository act (OHIO GEN. CODE § 2296-1 to -25). [Amended Senate Bill No. 123, effective date October 25, 1949, OHIO GEN. CODE § 2976-10b (amended).]

PARK COMMISSIONERS may establish replacement fund.

A board of park commissioners may establish and maintain a replacement fund to be used to rebuild, restore, repair or improve property. [Amended House Bill No. 356, effective date October 26, 1949, OHIO GEN. CODE § 2976-10n (enacted).]

PARK DISTRICTS may lease canal lands.

See Canal lands, this index.

PARKING FACILITIES may be acquired and operated by municipal corporations.

See Municipal corporations, this index.

PARK, levy of tax for—increased vote required and higher rate authorized.

The per cent of electors voting required to approve a tax levy for the use of a park district is increased from a majority to fifty-five per cent. The rate which may be levied is increased from one-tenth to three-tenths of a mill. [Amended Senate Bill No. 112, effective date October 25, 1949, OHIO GEN. CODE § 2976-10i (amended).]

PARKS may have roads, drives, and entrances financed by state.

See Highway department, this index.

PARTNERSHIPS — uniform act adopted.

Ohio has adopted the uniform partnership act. First proposed by the Commissioners on Uniform State Laws in 1915, the act now has been accepted by some thirty states. [Amended Substitute House Bill No. 144, effective date September 7, 1949, OHIO GEN. CODE §§ 8105-1 to 8105-43 (enacted).]

PAYROLL DEDUCTION PLAN may be used by public employees.

See Public employees, this index.

PLUMBING INSPECTION — jurisdiction of department of health does not include plumbing in residences.

The jurisdiction of the department of health with respect to plumbing inspections does not extend to plumbing in single or double residences. The fee for inspection is increased to three dollars plus one dollar for each trap or vented fixture. Verbal changes were made in other sections of the plumbing law. [Amended Senate Bill No. 178, effective date September 28, 1949, OHIO GEN. CODE §§ 1261-3, -4, -5, -6, -9, -13, and -15 (amended).]

POLICEMEN may count time in highway patrol for pension service credit.

A member of the police relief and pension fund, in computing years of service, may be given full credit for time spent in the highway patrol upon paying into the fund an amount equal to 4% of the salary he received during the period for which credit is asked. [Amended House Bill No. 344, effective date October 26, 1949, OHIO GEN. CODE § 4628-3 (amended).]

POLICEMEN — minimum disability pensions of.

Policemen granted a disability pension prior to September 25, 1947 for disability incurred in the performance of their duties may, if the pension payable is under the applicable regulations less than \$100 per month, be granted an increased pension to not more than that amount.

Policemen partially disabled in the performance of their duties who have completed twenty-five years service are entitled to the same pensions as those who retire voluntarily, even though they have not attained the age of fifty-two at which those who have served twenty-five years may retire voluntarily. [House Bill No.

520, effective date October 27, 1949, OHIO GEN. CODE § 4628 (amended).]

POLICEMEN now excluded may join police relief and pension fund.

This act broadens the definition of "member of the police department" and specifically provides that persons employed full time as members of the police department may join the police relief and pension fund. Such new memberships become retroactively effective upon payment of the amounts he would have been required to pay if he had been a member of the fund from the date of appointment to the police department. [Amended House Bill No. 325, effective date September 14, 1949, OHIO GEN. CODE § 4631-3 (amended) and §§ 4631-3a and 4631-3b (enacted).]

POLICEMEN — pensions to dependents may be increased.

If a pension was granted to the dependents of a deceased policeman prior to September 25, 1947, and the amount is less than that presently provided for in Section 4628 of the general code, the pension may be increased up to the amount provided in that section. [Amended Substitute House Bill No. 414, effective date October 26, 1949, OHIO GEN. CODE § 4628-4 (enacted).]

POLICEMEN — reinstatement of.

Policemen separated from a police department due to injury or disability, incurred in the performance of duty, are accorded the same right to reinstatement, and those separated due to injury or disability otherwise incurred or by resignation are accorded the same opportunity to apply for reinstatement, previously accorded firemen. [Amended House Bill No. 330, effective date October 25, 1949, OHIO GEN. CODE § 486-16 b (amended).]

POOR RELIEF — counties may issue emergency bonds during 1949.

County commissioners are authorized to issue bonds for emergency poor relief during the year 1949 in an amount to be approved by the tax commissioner and limited to one million dollars or the amount which the county probably will receive from public utility excise taxes, whichever amount is smaller. [Amended Senate Bill No. 395, effective date June 29, 1949.]

POOR RELIEF law rewritten.

Retaining only the section of the general code which established

county and city local relief areas, House Bill No. 277 rewrites the poor relief law. The bill defines the types of aid which may be given, provides procedures for application and investigation and establishes criteria for determining whether a person has a legal settlement in the county. Provision is made for reimbursement where relief is given a person legally settled in another county. The bill requires the relief authority of each county to maintain a central clearing office unless the department of welfare finds the office not needed. Enumerated powers and duties with respect to enforcement of the act are given to the department of public welfare. Each local authority is to be reimbursed monthly in an amount not to exceed 50% of its expenditures for poor relief and its administration. [Amended Substitute House Bill No. 277, effective date October 20, 1949, OHIO GEN. CFDE § 3391-1 (amended), §§ 3391-13 to 3391-24 (enacted), §§ 3391, 3391-2, -3, -4, -6, -7, -8, -9, -10, -11 and §§ 3476 to 3494 (repealed).]

POWERS OF APPOINTMENT, release of — recording.

The county recorder is directed to record the release of a power of appointment to which real property is subject in the record of powers of attorney, rather than in "a record to be known as releases of powers of appointment." [House Bill No. 72, effective date October 25, 1949, OHIO GEN. CODE § 8509-26 (amended).]

PROBATE CODE amended.

Several sections of the probate code, dealing for the most part with the sale of the property of a decedent, were amended by House Bill No. 33. These amendments are listed in a comment in Part I of this survey. [Amended House Bill No. 33, effective date October 7, 1949, OHIO GEN. CODE §§ 10506-65, 10509-89, -102, -194, -195, -224, -225, 10510-10 and 10510-31 (amended). See comment on this act, Part I, ■■■■ supra.]

PROBATE COURT — guardianship to administer veterans benefits exempt from costs.

See Guardianship proceedings, this index.

PROBATE JUDGE — common pleas judge or probate judge acting for.

A probate judge may, in stated cases of need, call upon a common pleas judge of the county, or may ask the chief justice of the supreme court to designate a common pleas or probate judge, to act with or for him. If a probate judge dies or resigns a common pleas

judge of the county is to act in his place until a successor is appointed and qualified. [Amended Substitute House Bill No. 147, effective date October 12, 1949, OHIO GEN. CODE § 10501-12 (amended).]

PROBATE JUDGES to hold office for six years.

In each county having a separate probate court a probate judge shall be elected every six years to hold office for six years. The term of office was formerly four years. [Amended House Bill No. 112, effective date October 7, 1949, OHIO GEN. CODE § 10501-1 (amended).]

PROBATE-AND-JUVENILE JUDGES' maximum salary adjusted.

See Salary adjustment, this index.

PROGRAM COMMISSION on governmental problems.

A bipartisan, twenty-one member program commission was created, consisting of the president and president pro tempore of the Senate, the speaker of the House, five members of each house, the administrator of the bureau of unemployment compensation, the directors of welfare, highways and public works, the tax commission and three members to be appointed by the governor.

The Commission is to gather data regarding the problems which will confront the state, including data regarding the programs of adjoining states and the United States, propose suitable plans for a public works program, study methods of financing public works or other projects, and the like.

The commission is to report to the general assembly and governor in January of each odd numbered year, and otherwise on its own motion or when requested to do so. [Amended Senate Bill No. 230, effective date October 29, 1949, OHIO GEN. CODE §§ 376 and 377 (enacted).]

PROPERTY TAX FUND — public library trustees to share residue.

The residue of the undivided classified property tax fund, after making the distribution provided for in Ohio General Code Section 5639 shall be distributed to any board of public library, trustees and the school districts of the county. Under the former law the residue went entirely to the school districts. [House Bill No. 26, effective date September 26, 1949, OHIO GEN. CODE § 5639 (amended).]

PUBLIC EMPLOYEES — date for filing application to postpone retirement extended.

Under the former law no application to postpone the retirement of a public employee who had reached the age of 70 was to be accepted after September 1, 1948. Under the present act, declared an emergency, the date is extended to June 30, 1950. [House Bill No. 45, effective date March 30, 1949, OHIO GEN. CODE § 486-59 (amended).]

PUBLIC EMPLOYEES may use payroll deduction plan.

Non-elective employees of the state or of a local governmental unit shall be allowed to use the payroll deduction plan for the purchase of United States savings bonds upon request. [Amended Senate Bill No. 251, effective date September 26, 1949, OHIO GEN. CODE § 17-13 (enacted).]

PUBLIC EMPLOYEES — sick leave provisions extended.

See Sick leave, this index.

PUBLIC EMPLOYEES — time for reinstatement in retirement system extended.

Section 486-57 of the General Code provides that a public employee who has forfeited his membership in the public employees retirement system and withdrawn his contributions may be reinstated at any time within seven years after such withdrawal and, by making back contributions, may restore service credit. Formerly the Section provided that forfeited service credit should not be restored more than one time. By House Bill No. 226, effective September 19, 1949, it is provided that a former member may, prior to December 31, 1949, make the payments and receive the credits provided in the section regardless of the date of withdrawal. By Senate Bill No. 405, effective October 25, 1949, it is provided that the prohibition of more than one restoral of service credit shall apply only after December 31, 1949. [Amended House Bill No. 226, effective date September 19, 1949; Amended Senate Bill No. 405, effective date October 25, 1949, OHIO GEN. CODE § 486-57 (twice amended).]

PUBLIC EMPLOYEES RETIREMENT SYSTEM — members may contribute for time spent in local system.

Members of the public employees retirement system who, prior to the date of membership, were members of a local retirement

system may pay into the employees savings fund the amount they would have paid had they been members of the system from the date of entering the employment of the governmental unit, or from January 1, 1935, whichever is the shorter period. Years of service granted members of the retirement system by a publicly-owned utility shall be included in "total service." [Amended Senate Bill No. 149, effective date October 7, 1949, OHIO GEN. CODE § 486-65c (enacted); § 486-63a (amended).]

PUBLIC EMPLOYEES' RETIREMENT SYSTEM to include metropolitan housing authorities.

This amendment brings metropolitan housing authorities within the public employees' retirement system. Employees of such housing authorities will be allowed to acquire membership in the system retroactively effective to January 1, 1935, upon payment into the employees' savings fund of an amount equal to that which he would have paid if he had been continuously a member of the retirement system from that date. [Amended Senate Bill No. 30, effective date June 30, 1949, OHIO GEN. CODE §§ 486-32, 486-33b, 486-33g, 486-34, 486-37, 486-68a, and 486-68d (amended).]

PUBLIC UTILITY — definition for tax purposes narrowed.

The term "public utility" as defined for purposes of taxation in Section 5415 of the General Code shall exclude a person or firm engaged in some other business to which the supplying of electricity, power, heat, gas, water or air is incidental or who supplies such services to a tenant, whether for a separate charge or otherwise. [Amended Senate Bill No. 265, effective date October 5, 1949, OHIO GEN. CODE § 5416-1 (amended).]

PUBLIC UTILITY communication companies defined more broadly.

This act amends the definition of communication companies so as to modernize the definition and bring within this classification television companies. [Amended Senate Bill No. 270, effective date September 29, 1949, OHIO GEN. CODE § 9191 (amended).]

PUBLIC WELFARE — authority of director of.

The administrative authority of the director of public welfare over the department is made clear by amendments providing that the statutory functions of the division of business administration are to be performed under his supervision and control, and gener-

ally that all duties of the various divisions and institutions are to be performed under such rules and regulations as he may prescribe and shall be under his direction and control.

Express authority is given to examine and classify persons sentenced or committed to the department, and on the basis of such examination to assign or reassign persons to an appropriate institution or place.

The director is given express power, with the approval of the governor, to change the purpose for which any institution or place in the department is being used. [Amended Senate Bill No. 129, effective date October 20, 1949, OHIO GEN. CODE §§ 154-60a, 154-60e and 1841-2a (amended), 1841-26 (enacted); 154-60g (repealed).]

QUESTIONS AND ISSUES BALLOTS must state percentage necessary for passage.

See Elections, this index.

RECORDER, county — may cancel mechanics' liens on registered land.

See Mechanics' liens, this index.

RECORDER, county — may destroy index of chattel mortgage.

See Chattel mortgage, this index.

RECORDER, county — may destroy mechanic's lien records after ten years.

See Mechanic's lien records, this index.

RECORDER, county — methods of recording and copying instruments in writing.

See recording or copying, this index.

RECORDER, county — penalty in certain cases eliminated.

The twenty-dollar penalty which, under the former law could be recovered from a county recorder for recording deeds before endorsement by the auditor, in violation of Section 2768, or for recording deeds to university lands without endorsement of the president of the university, in violation of Section 2769, is eliminated by amendment of the latter section. [House Bill No. 71, effective date October 25, 1949, OHIO GEN. CODE § 2769 (amended).]

RECORDING — or copying instruments in writing.

Before this act one statute authorized the use of photographic processes in recording or copying instruments in or from the public records when such use was deemed necessary, while another statute authorized only three methods of doing the same, viz., handwriting, typewriting, or printing. This act authorizes the use of photographic processes under both statutes whenever it is deemed advisable. This act regularizes all records which were made by photographic processes under Ohio General Code Section 32-1 before the date of this act. The amendment to Section 8548-1 of the General Code is to correct an error in spelling. [Amended Senate Bill No. 14, effective date July 28, 1949, OHIO GEN. CODE §§ 32-1, 2759, and 8548-1 (amended).]

RECORDING — or filing of instruments with illegible signatures.

The provisions denying recordation to instruments affecting the title to real estate if the signature or signatures of the person or persons signing such instrument are illegible, are extended to the filing of instruments affecting title to personalty. An oddly paradoxical exception is added to those heretofore in effect, i.e. the instrument may be recorded or filed "if the name of each such person appears elsewhere in the instrument legibly printed, typewritten or stamped." [Amended House Bill No. 82, effective date October 14, 1949, OHIO GEN. CODE § 2757-3 (amended).]

RECORDING by photostat — fees of recorder for.

The provision relating to fees to be charged for recording maps or plats by the photostatic process was clarified, without changing the amount. [Amended Senate Bill No. 100, effective date October 25, 1949, OHIO GEN. CODE § 2779 (amended).]

RECORDING MARRIAGES — divorces and annulments.

See Health Department, this index.

REPLACEMENT FUND — park commissioners may establish.

See Park commissioners, this index.

REPORTS OF SUPREME COURT — price for to be fixed by reporter with approval of the court.

The price at which the reports of the Supreme Court are to be sold to the public is to be fixed by the reporter and approved by

the court. The price shall not exceed \$3.50 per volume. This replaces a statutory maximum of \$2.50 per volume. [Amended House Bill No. 329, effective date October 25, 1949, OHIO GEN. CODE § 1488 (amended).]

ROADS in connection with conservancy districts — maximum expenditure increased.

See Conservancy districts, this index.

SALARY adjustment for probate and juvenile judges.

An act of the 1947 legislature provided that the total compensation of the probate judge and juvenile judge of a county shall not exceed the total salary provided by law for a common pleas judge of that county. This 1949 amendment provides that the probate-and-juvenile judge's compensation shall be limited only by the salary formula for common pleas judges whose terms of office began or will begin after September 18, 1947. These latter judges receive an increased salary provided by another act of 1947. In other words, this 1949 act provides that the probate-and-juvenile judge may receive as much as a common pleas judge in the same county would receive if he were eligible to receive the higher salary provided by the 1947 act. [House Bill No. 2, effective date February 5, 1949, OHIO GEN. CODE § 1639-7a (amended).]

SALARY increase authorized for assignment commissioners.

This act authorizes the appointing court to determine the salary of each assignment commissioner, such compensation not to exceed \$6,500 per year. Before this amendment the maximum had been \$4,900 per year. [House Bill No. 214, effective date September 14, 1949, OHIO GEN. CODE § 3007 (amended).]

SALARY increase for county — jail matrons is authorized.

The probate judge fixes the compensation to be paid to matrons in the county jails. This amendment increases the maximum salary from \$150 per month to \$200 per month. [House Bill No. 328, effective date September 26, 1949, OHIO GEN. CODE § 3178 (amended).]

SALARY increase for court shorthand reporters is authorized.

Each shorthand reporter shall receive such compensation as the court making the appointment shall fix. The maximum compensation was increased from \$3,600 per year to \$4,800 per year in

counties where two or more common pleas judges hold court regularly, and from \$2,400 to \$3,600 in all other counties. [House Bill No. 53, effective date September 14, 1949, OHIO GEN. CODE § 1550 (amended).]

SALARY increase for township clerks.

The maximum compensation allowable to any township clerk was increased from \$600 per year to \$1200 per year. [Amended Senate Bill No. 81, effective date September 7, 1949, OHIO GEN. CODE § 3308 (amended).]

SALARIES of county employees may be paid semi-monthly.

Whenever the county treasurer is authorized to make monthly payments to public officials or public employees, he shall, upon the request of such public officials or such public employees, or he may at his option, make such payments on a semi-monthly basis. [Amended Senate Bill No. 349, effective date October 26, 1949, OHIO GEN. CODE § 2981-1 (enacted).]

SANDUSKY BAY — commission to investigate fishing and conservation practices.

See Fishing and conservation, this index.

SANITARY DISTRICTS may be established for new purposes.

The statutes had provided six purposes for which a sanitary district might be established. Two new purposes were added by this amendment: (1) to collect and dispose of garbage and (2) to collect and dispose of any other refuse that may become a menace to health. [House Bill No. 250, effective date August 25, 1949, OHIO GEN. CODE § 6602-35 (amended).]

SCHOOL BOOKS — fixing of maximum prices for.

The superintendent of public instruction, rather than a commission, is to fix the maximum price at which books may be sold to boards of education. The period during which the publisher must agree to offer a book at the price thus fixed is reduced to two years from five years. The superintendent, rather than the commission, is the designated agent of the state to investigate and penalize violations of publishers' agreements. [Amended Substitute Senate Bill No. 278, effective date October 25, 1949, OHIO GEN. CODE §§ 4854 and 4854-2 (amended).]

SCHOOL BUSES — discharging or receiving passengers.

School busses operating on highways with four or more traffic lanes are required to receive and discharge children on their residence side of the highway, and the driver may not in any case start his bus until after any child who has alighted has reached a place of safety on his residence side of the road.

It is understood the statute, as thus amended, has been interpreted as no longer requiring motorists who meet or overtake a stopped bus on a four or more lane highway to stop. A literal reading of the statute as amended does not dictate this interpretation. [Amended Substitute House Bill No. 9, effective date October 21, 1949, OHIO GEN. CODE § 6307-73 (amended).]

SCHOOL DISTRICT — may acquire recreational facilities jointly with city or village.

Any school district may acquire property jointly with any city or village for recreational facilities and may erect or improve a building for the inclusion of such joint facilities. The board of education of any school district may issue bonds for these purposes. [Amended Substitute House Bill No. 301, effective date October 7, 1949, OHIO GEN. CODE §§ 4065-5 and -6 (amended).]

SCHOOL DISTRICTS may have special elections to submit additional tax levies.

The boards of education of the school districts may declare by resolution the necessity for taxes outside the ten-mill limitation and for a special or primary election to be held at a time specified to submit the question to the electors. Not more than one special election may be held in one year. If 60% or more of the electors vote in favor of the levy, the levy shall be made and included in the next annual tax budget. A board of education may anticipate by note-issue up to 50% of the total estimated proceeds of the levy. [Amended Senate Bill No. 37, effective date April 6, 1949, OHIO GEN. CODE § 5625-15b (enacted).]

SCHOOL DISTRICTS' net-debt limitation is increased temporarily.

Ohio General Code Section 2293-15 (Uniform Bond Act) provides that the net indebtedness which may be imposed by popular vote upon a school district (with approval of the department of taxation) shall not exceed 6% of assessed value of property in the district. This act provides that during 1949 and 1950 this limitation shall be increased to 8%, provided that before submission

to the voters a proposal to exceed 6% be approved by the department of taxation and the department of education. The education department shall determine that school building construction is needed and desirable before approval is given. [Amended House Bill No. 231, effective date September 26, 1949.]

SCHOOL DISTRICTS — payments to include days school not in session because building unfit.

The number of days for which payments are to be made by the state to local school districts shall include days on which school was not in session because of temporary circumstances rendering the building unfit for school use. [Amended Senate Bill No. 384, effective date October 21, 1949, OHIO GEN. CODE § 4848-1 (amended).]

SCHOOL DISTRICTS — transportation and tuition of non-resident students.

No board of education shall provide transportation for a student not a resident of the district without the consent of the board of the district in which the student is a resident. If a board admits a non-resident student whose tuition is not an obligation of the board in the district of his residence, tuition is to be collected from the parents or guardian of the student; if such tuition is not collected the student shall not be counted in the membership figure used in determining the amount of state support. [House Bill No. 24, effective date August 26, 1949, OHIO GEN. CODE § 4855-3 (amended), §§ 4855-3a and 4855-3b (enacted).]

SCHOOL EMPLOYEES retirement laws enacted.

See Teachers retirement, this index.

SCHOOL TEACHERS — employed as substitutes.

Teachers may be employed as substitute teachers for terms not exceeding one year for assignment as services are needed, such assignment being subject to termination when services are no longer needed. Substitute teachers become entitled to certain privileges and protection after assignment to a specific position for 60 days. Re-employment after 120 days in one year as a substitute must be employment as a regular teacher, if assigned to a specific position. Ohio General Code Section 4842-13 concerning seniority rights was amended so as to include situations created by the return to duty of regular teachers after leaves of absence. [House Bill No. 210,

effective date September 9, 1949, OHIO GEN. CODE § 4842-7a (enacted) and § 4842-13 (amended).]

SCHOOLS — employees attending professional meetings, expenses of.

Any employee of a board of education may, at its discretion, receive compensation and expenses for the days on which he is attending professional meetings, and the board may hire and pay a substitute. [Amended House Bill No. 123, effective date October 25, 1949, OHIO GEN. CODE § 4834-5 (amended).]

SCHOOLS — handicapped children, attendance in another district.

Provision is made for inter-school district payment, in a special case (supplementing Ohio General Code Section 4850-9), of the cost of attendance of a handicapped child attending in a district other than that of his residence. [Amended Substitute Senate Bill No. 235, effective date October 15, 1949, OHIO GEN. CODE § 4850-9a (enacted).]

SCHOOLS, high — classifying and chartering and revocation of charters of; advisory board.

The superintendent of public instruction, in classifying and chartering high schools, is to be guided by the recommendations of a newly-created advisory board, consisting of the assistant director of education and four staff members of the department of education appointed by and serving during the pleasure of the superintendent.

The superintendent, upon recommendation of the board, may revoke the charter of any high school which fails to meet the standards prescribed by the department. Pupils of a high school the charter of which is revoked are to be assigned to an approved school. [Amended Senate Bill No. 275, effective date October 25, 1949, OHIO GEN. CODE § 154-46 e (amended).]

SCHOOLS in local school districts to receive supplies through county boards.

See Local boards of education, this index.

SCHOOLS — levy of tax outside ten mill limitation; vote required.

The per cent of electors voting required to authorize a levy outside the ten mill limitation for school purposes other than current expenses is reduced from sixty-five to fifty-five. [Amended

Substitute Senate Bill No. 195, effective date October 25, 1949, OHIO GEN. CODE § 5625-18 (amended).]

SCHOOLS — sick leave for public school employees.

All full time employees of a board of education, except those employed on hourly rates, must be paid regular compensation for time lost due to illness or otherwise for not less than five days annually. [Amended Substitute House Bill No. 267, effective date October 20, 1949, OHIO GEN. CODE § 4834-5a (enacted).]

SCHOOLS — traveling expenses of superintendents; compensation and allowances of boards of education.

The amount boards of education may allow a county superintendent for traveling expense is raised to \$600, and assistant superintendents may be accorded the same allowance.

The compensation of members of county boards of education is raised to \$5 per trip plus 12 cents per mile one way for not exceeding twelve meetings per year; that of members of boards of other school districts to \$3 for not exceeding twelve meetings. [Amended House Bill No. 199, effective date October 12, 1949, OHIO GEN. CODE §§ 4832-11 and 4844-1 (amended).]

SCRAP METAL DEALERS to keep book of records.

Ohio General Code Section 6371 which required junk dealers to make daily reports to the mayor and to keep all items purchased for 30 days was repealed. A new section provides that every dealer in scrap metals and waste materials shall maintain records of all such items received by him, said records to contain (1) the name, description and residence of the person from whom the scrap was received and (2) the date and hour of the transaction. All journal brasses and other railroad metals must be kept by the dealer for 30 days, except metals sold by railroad companies under Ohio General Code Section 9019 to 9024, both inclusive. [Amended Substitute House Bill No. 284, effective date September 20, 1949, OHIO GEN. CODE § 6370-1 (enacted) and § 6371 (repealed).]

SECRETARY OF FIRE not subject to competitive examination.

See Civil service, this index.

SECRETARY OF POLICE not subject to competitive examination.

See Civil service, this index.

SECRETARY OF STATE to compile election statistics.

The secretary of state shall compile biennially and publish 2500 copies of the election statistics of Ohio. The requirement that the secretary compile and publish Ohio general statistics is eliminated. [Amended Senate Bill No. 35, effective date September 26, 1949, OHIO GEN. CODE §§ 173, 173-1, 2276, 2278, 2279, 2280, 2281, 2283, and 2284 (amended).]

SEED LAW rewritten.

The law regulating the sale, labeling and testing of agricultural and vegetable seeds has been largely rewritten but remains the same in general scope. The words "below standard" are required to appear on a container of seed offered for sale where the seed germinates less than the standard established by the director of agriculture. The act prescribes standards of germination for fifty-five vegetable seeds but authorizes the director to change the standards after public hearing. The director is authorized to regulate the period of time during the year during which seeds will be tested free as well as the number of free tests that will be made for any person. The fees for tests in excess of the limit so fixed by the director are increased. [Amended House Bill No. 235, effective date September 9, 1949, OHIO GEN. CODE §§ 5805-1 to 5805-14 (enacted); former §§ 5805-1 to 5805-15 (repealed).]

SESQUICENTENNIAL commemoration to be planned by special commission.

This act creates a 25-member commission to prepare and execute plans for the commemoration of the sesquicentennial of Ohio in 1953. The commission will be composed of 12 public members, 5 senators, 5 representatives, the director of education, the secretary of the development and publicity commission, and the director of the archaeological and historical society. The governor and his cabinet are ex-officio members. The commission is empowered to receive gifts, to create a rotary fund, to receive reimbursement for expenses, and to expend funds. [Amended Senate Bill No. 125, effective date October 7, 1949.]

SESSION LAWS — number of copies to be printed reduced.

See Laws of Ohio, this index.

SEWAGE treatment, disposal, and discharge regulated by Health Department.

This act prohibits the discharge of untreated sewage and industrial waste into the public waters of the state. Means or works for the treatment or disposal of the sewage and waste must be satisfactory to the director of health. Sewage of private dwellings is exempted. A penal sanction is provided for each 30 days of violation. [Amended Senate Bill No. 60, effective date August 25, 1949, OHIO GEN. CODE § 1240-4 (enacted).]

SEWER DISTRICTS — county commissioners may fix rates.

See County sewer districts, this index.

SHORTHAND REPORTERS' salary increased.

See Salary increase, this index.

SHORTHAND REPORTERS' maximum compensation for transcripts increased.

When a shorthand reporter makes transcripts and copies at the request of parties or attorneys, the reporter's compensation is fixed by the common pleas judges. The maximum compensation set by statute is increased from 12c to 15c per folio of one hundred words. [House Bill No. 54, effective date September 14, 1949, OHIO GEN. CODE § 1552 (amended).]

SICK LEAVE provisions extended to county and municipal employees.

The provisions of Ohio General Code Section 486-17c relative to sick leave for public employees are extended to include full time employees in the various offices of the county and municipal services and of boards of education. [Amended House Bill No. 109, effective date October 25, 1949, OHIO GEN. CODE § 486-17c (amended).]

SINKING FUND OFFICERS — powers of.

The provision regarding the continuance of powers of sinking fund trustees or commissioners was amended in recognition of the repeal of former General Code Sections 3932 and 7613-7619, and the substitution for the latter sections of General Code Sections 4835 *et seq.* [Amended Substitute House Bill No. 171, effective date October 12, 1949, OHIO GEN. CODE § 2295-14 (amended).]

SOFT DRINKS — license required for manufacture or bottling.

No person shall manufacture or bottle for sale any soft drink in closed containers without a license issued by the director of agriculture and no soft drinks manufactured or bottled outside of the state shall be sold in the state until such drink is registered by the director of agriculture. The fee for either registration or license is \$50.00 annually. The act includes detailed provisions governing the chemical content of soft drinks, the labelling of containers and sanitary standards for manufacturing or bottling plants. The director of agriculture is given the power to suspend, revoke or deny licenses or registrations upon determination that the provisions of the act have been violated. A license shall be revoked upon conviction of a third offense. Penalties of fine and imprisonment are provided. [Amended Senate Bill No. 190, effective date August 1, 1949, OHIO GEN. CODE §§ 1089-17 — 1089-24 (enacted).]

SPECIAL LICENSE NUMBERS — additional fee for.

See License numbers, this index.

STATE FAIR — financing of.

All moneys derived from the provisions of the act are to be paid into a special fund, "the Ohio state fair rotary fund," to be expended by the director of agriculture for defraying the costs of administering the act, rather than credited to the agricultural division of the general revenue fund. The general assembly is directed at its 1951 session to supplement the fund by appropriation, if necessary from the general revenue fund. [Amended Senate Bill No. 294, effective July 22, 1949, OHIO GEN. CODE §§ 1094 and 1107 (amended).]

STATE INSTITUTIONS — rate for support of patients.

Formerly the maximum rate to be charged for the support of patients in state hospitals for the mentally ill, for the feeble minded, or for epileptics was fixed at \$5.50 per week per patient. This maximum is now removed and provision is made that collections in excess of \$5.50 per week shall be used for research, education and preventive purposes. [Amended House Bill No. 470, effective date October 7, 1949, OHIO GEN. CODE § 1812-2 (amended).]

STATE LANDS — leasing of; use of proceeds.

The leasing of small parcels of state land in Green Township,

Hamilton County to named individuals was authorized. Rental payments are to be made to the township trustees "to be used by them for religious purposes." See Art. I, Sec. 7 of the Ohio Constitution. [Amended Senate Bill No. 256, effective date October 27, 1949.]

STATE LAND to be leased to city for airport purposes.

An act to authorize the Ohio State Archaeological and Historical Society to grant a twenty-year lease of certain state-owned lands to the city of New Philadelphia for airport purposes. The tract involved is a part of the Schoenbrunn Village State Memorial in Tuscarawas County. [Amended Senate Bill No. 141, effective date July 22, 1949.]

STATE PARKS — department of natural resources may erect inns and lodges.

The department of natural resources may erect inns, lodges and cabins in state parks under its jurisdiction and may operate them or lease them for operation. Inns and lodges may be leased for periods of from one to four years and may be renewed for an additional period. [Amended Substitute House Bill No. 313, effective date October 27, 1949, OHIO GEN. CODE §§ 154-10f to 154-10j (enacted).]

STATE RACING COMMISSION — petition may be required for permit from.

See Horse racing meets, this index.

STATE to begin fiscal year July first.

Beginning July 1, 1949, the fiscal year of the state shall begin July first of each year and end June 30th of the succeeding year. The general appropriation act of the 98th General Assembly covers the fiscal years beginning July 1, 1949, and ending June 30, 1951. This act provides that not more than one-fourth of the annual appropriation shall be expended by any department, board, commission or other instrumentality of the state in any consecutive three months period without the consent of the controlling board; items designated H-7 insurance are excepted. [House Bill No. 10, effective date March 10, 1949, OHIO GEN. CODE §§ 260-1 and 260-2 (amended).]

STATUTES repealed where obsolete, redundant, unconstitutional, etc.

See General code, this index.

STRIP MINE reclamation required.

Operators of strip mines are required to reclaim the mined land by grading to a surface which will be a gently rolling topography and replanting in accordance with a state approved plan. Reclamation may be waived by the state where it is impracticable or where the public interest does not require it. Operators must be licensed and must post a bond, the amount of which varies with the area mined, which may be forfeited on failure to comply with the provisions of the act. Enforcement jurisdiction is in a bureau of reclamation. The act provides for a chief of the bureau, a board of review and for appeal to the Common Pleas Court of Franklin County. [Amended Substitute House Bill No. 150, effective date July 23, 1949, OHIO GEN. CODE §§ 898-223 to 898-242 (enacted); §§ 898-203 to 898-222 (repealed).]

SUNDAY PROHIBITION OF BOWLING is lifted.

"Ten pins or other games of similar kind" was deleted from the statute which prohibits certain activities on Sunday. [Amended Senate Bill No. 84, effective date July 25, 1949, OHIO GEN. CODE § 13049 (amended).]

SUPPORT OF PATIENTS in state institutions.

See State institutions, this index.

TAX AND REVENUE COMMISSION created.

A fifteen-member tax and revenue commission is created to study the tax and revenue system of the state and, after sufficient study, to make whatever recommendations it deems advisable. The final report is to be submitted by January 15, 1951. [Amended Senate Bill No. 42, effective date October 28, 1949.]

TAXATION — definition of "Public Utility" for tax purposes narrowed.

See Public utility, this index.

TAXATION — personal property, distribution of capital gains by investment companies.

Distributions by an investment company of a gain or gains it realizes on the sale of real property or investments is excluded from the definition of "income yield," which is the basis of assessment. "Investment company" is defined in the act. [Amended Substitute House Bill No. 633, effective date October 25, 1949, OHIO GEN. CODE § 5389 (amended) and OHIO GEN. CODE § 5389-3 (enacted).]

TAXATION — property of housing authority declared exempt.

See Housing authority, this index.

TAXATION — revaluation, withholding of distribution of state revenues pending effecting of; substitution of board of tax appeals for tax commission.

When the board of tax appeals has increased or decreased the aggregate value of real property in a taxing district and the county auditor has made the appropriate addition or deductions with respect to each tract, as provided by G. C. Sec. 5614 and 5615, the county auditor must transmit an adjusted abstract to the board of tax appeals. If the adjusted abstract is not received within ninety days the board is to direct the state auditor to withhold fifty percent of the county's or tax district's share in the distribution of state revenues to local governments and school districts until notified by the board that the county auditor has complied with the requirement. Apparently a distribution may be made within the ninety day period even though the adjusted abstract has not been transmitted.

The words "board of tax appeals" or "board" are substituted for "tax commission" or "commission" in a number of sections of the General Code, in recognition of the abolishing of the tax commission and creation of the board by section 1464 of the General Code, effective May 15, 1939. Section 1464 had attempted to meet the problem by a general provision. [House Bill No. 644, effective date October 25, 1949, OHIO GEN. CODE §§ 5579, 5624, 5624-1, 5624-2, 5624-3, 5624-4, 5624-7, 5624-8, 5624-9, 5624-10, 5613, 5614 and 5615 (amended).]

TAXATION — utility excise tax extended.

See Utility excise tax, this index.

TAX LEVIES OUTSIDE TEN-MILL LIMITATION facilitated for local government units.

See Local government, this index.

TAX LEVIES OUTSIDE TEN-MILL LIMITATION facilitated for school districts.

See School districts, this index.

TAXES may be levied by boards of park commissioners up to one-half mill.

Before this act boards of park commissioners were authorized by statute to levy taxes in an amount not in excess of one-tenth of one mill upon each dollar of assessed value in any one year, and to issue anticipation notes up to 75% of the proceeds of such tax. This amendment authorizes a levy up to one-half of one mill and the issue of anticipation notes in an amount not in excess of 50% of the proceeds. [House Bill No. 89, effective date September 14, 1949, OHIO GEN. CODE § 2976-10 (amended).]

TEACHERS RETIREMENT and school employees retirement laws amended.

The sections of the general code dealing with permissible investment of funds of the teachers retirement system and of the school employees retirement system are amended to authorize any investments which are permitted to trustees under section 10506-41 of the probate code. By additional amendments certain personal information which is required to be filed by members of the two systems is declared not open to public inspection. In the school employees retirement system, the term "final average salary" which formerly was defined as being the average compensation of the employee during the ten years immediately preceding retirement is now defined as the average annual compensation for the ten years during which he received his highest income as an employee. Other amendments relate to the status of members who also are members of another retirement system or who are receiving benefits from the federal government for disability incurred while in the armed forces. [Amended Senate Bill No. 237, effective date October 25, 1949, OHIO GEN. CODE §§ 7896-16, -26, -38, -46, -64, -79, -86, -91, -99, -99a, -102, -103a, 105a, -122 (amended).]

TELEPHONE COMPANIES — provisions regarding extension of service and inadequate service.

Any person, persons, firms, corporations, village or municipality not served by telephone may petition the public utilities commission for service and the commission shall notify any or all companies adjacent to such unserved territory to show cause why service should not be extended. The commission is given power to order such service extended. Except for exchanges serving less than 500 telephones, the serving of more than ten subscribers on any one line is *prima facie* evidence of inadequate service. [Amended Substitute House Bill No. 40, effective date October 20, 1949, OHIO GEN. CODE §§ 614-12a (enacted), 614-27 (amended), 614-52a (enacted).]

TITLE INSURANCE COMPANIES — withdrawal of reserves by.

Title insurance companies, which are required to reserve as the unearned portion of the original premium an amount equal to ten per cent of the title insurance premium received or receivable during the preceding calendar year for the issuance of policies insuring title to property located in Ohio and deposit that amount with the superintendent of insurance, may withdraw "an amount equal to one-half of one per cent of the original premium until the total amount of the reserve deposited as the unearned portion of such original premium shall have been withdrawn." [House Bill No. 347, effective date October 25, 1949, OHIO GEN. CODE § 9561-1 (amended).]

TOLLS — state bridge commission permitted to charge to repay debts to State.

The state bridge commission is authorized to charge tolls for use of a bridge to repay any valid obligation due the state incurred by the commission in retiring its bonds, as well as to pay costs of maintaining, repairing and operating the bridge, after bonds issued for the bridge have been paid. [Amended House Bill No. 440, effective date October 12, 1949, OHIO GEN. CODE § 1084-14 (amended).]

TOWNSHIPS may assign numbers for houses.

This amendment to the statute which permitted townships to erect street markers authorizes townships also to assign numbers for houses on streets and roads in unincorporated areas. [Senate Bill No. 281, effective date September 7, 1949, OHIO GEN. CODE § 3248-2 (amended).]

TOWNSHIPS may build and operate sanitary plants jointly with municipalities.

See Local government, this index.

TOWNSHIPS to have three trustees.

The number of township trustees in each township is increased from two to three. Two trustees shall be elected at the general election in 1949 and the third at the general election in 1951. Each trustee shall hold office for a term of four years, beginning January first next after his election. [Amended Senate Bill No. 267, effective date September 29, 1949, OHIO GEN. CODE § 3268 (amended).]

TOWNSHIP CLERKS' maximum compensation increased.

See Salary increase, this index.

TOWNSHIP TRUSTEES allowed additional compensation.

Compensation for each day of service by a trustee in relation to partition fences is increased from \$1.50 to \$5, such compensation to be paid by the parties. In townships having a budget of \$30,000 or more, the trustees shall be entitled to compensation for not more than 175 days at the rate of \$3.50 for each day in the service of the township. Other maxima remain unchanged. [Amended Senate Bill No. 88, effective date July 28, 1949, OHIO GEN. CODE § 3294 (amended).]

TOWNSHIP TRUSTEES allowed additional expenses where township includes islands.

The trustees of a township composed in whole or in part of islands inaccessible at some time of year shall be entitled to reasonable expenses, up to \$10 per trip, incurred in attending necessary meetings of trustees and county officials on the mainland. [House Bill No. 160, effective date July 13, 1949, OHIO GEN. CODE § 3294-1 (enacted).]

TOWNSHIP TRUSTEES may regulate vehicle parking.

This act authorizes township trustees to make regulations and orders deemed necessary to control all vehicle parking in those portions of townships which are not included in the corporate limits of municipalities. This authority is subject to the uniform traffic act (Gen. Code Sec. 6307-1 through 6307-110). Reasonable

finer not exceeding \$10 in one case may be levied for violations. [Amended House Bill No. 175, effective date September 7, 1949, OHIO GEN. CODE § 3287 (enacted).]

TREASURER, CITY — may deposit securities with Federal Reserve Bank member.

Authority is given to city treasurers to deposit all securities belonging to the treasury of the city or to any fund thereof, other than the sinking fund, in the custody of a member of the federal reserve banking system. [Amended Senate Bill No. 392, effective date October 25, 1949, OHIO GEN. CODE § 4296-4 (amended).]

TREASURER, COUNTY — may pay salaries semi-monthly.
See Salaries, this index.

TREASURER, COUNTY — Minimum salary increased.

The minimum salary of county treasurers is increased from \$1500 to \$2400 annually. [Amended Senate Bill No. 264, effective date July 19, 1949, OHIO GEN. CODE § 2991-1 (amended).]

TREASURER, STATE — to seal cigarette tax meters.
See Cigarette tax, this index.

TUBERCULOSIS HOSPITAL at Ohio State University to be operated by health department.

The Ohio Tuberculosis Hospital at The Ohio State University Medical Center shall be operated by the Department of Health and administered by a medical superintendent appointed by the director of health. The superintendent shall employ additional personnel. Operation and maintenance shall be subject to agreements made with the trustees of The Ohio State University. The hospital shall be open to any legal resident of Ohio who meets the admission requirements established by the health department. The charge for care and treatment shall be borne by the county in which the patient lives at a per diem rate as determined by the director of health. [House Bill No. 95, effective date June 22, 1949, OHIO GEN. CODE §§ 1236-22 to 1236-26 (enacted).]

TURNPIKE COMMISSION created; toll roads authorized.

A turnpike commission is created and given power to con-

struct, maintain, operate and regulate turnpikes or limited-access toll roads on a self-liquidating basis through the issue of revenue bonds. [Amended Senate Bill No. 7, effective date September 1, 1949, OHIO GEN. CODE §§ 1201 to 1222 (enacted).]

UNEMPLOYMENT COMPENSATION act amended.

A number of key provisions of the unemployment compensation act were changed. A brief discussion follows:

Entitlement to waiting period or benefits: there is created a new category of general eligibility for unemployment compensation called "benefit rights". Benefit rights are the weekly benefit amount and the maximum benefit amount that may become payable to an individual within his benefit year. To be entitled to benefits an individual must (in addition to former requirements) file a valid application for benefit rights. The application is valid if an individual is unemployed and has had fourteen or more weeks of covered employment and wages of \$240.00 or more within his base period. A requirement of availability for "suitable work" is substituted for "work for which he is reasonably fitted," and claimant must be actively seeking such work in specified localities. The waiting period before benefits become payable is reduced from two weeks to one week.

Disqualification for waiting period or benefits: discharge for just cause in connection with his work or voluntarily quitting his work without just cause disqualifies the individual for the week in which such discharge or quit occurs and the next four weeks, and reduces his maximum benefits for any benefit year by three times his weekly benefit amount. Refusal without just cause to accept an offer of suitable work, or a referral of such work by a state employment office, disqualifies for the entire period of unemployment with respect to which the administrator finds the refusal takes place. Advocating or being a member of a party which advocates the overthrow of our government by force disqualifies for the entire period of unemployment with respect to which the administrator finds they occur. The individual's written affidavit as to such advocacy or membership must be attached to his application for determination of benefit rights.

Weekly and total benefit amounts: the schedule is changed to range from \$10.00 to \$25.00 per week on highest quarterly earnings from \$80.00 to \$581.00 and over; total benefits per benefit year are limited to 26 times the weekly amount or two-thirds the total wages paid in the base period, whichever is lower.

Dependent child allowance: in addition to the weekly benefit amount, \$2.50 weekly for each dependent child not exceeding two; maximum, 26 weekly payments in any benefit year.

Refund claims: adjustment by the employer of overpaid contributions need not be impossible before the administrator can refund. Overpayments accrue to an employer's successor in interest, if no claim for refund was made prior to sale of the business. Rejection of an application for adjustment or refund is binding on an employer unless within 60 days he applies for review and redetermination.

Charge of benefits: the maximum chargeable against an employer's account in any quarter is raised to one-half the wages paid or \$280.00, whichever is lower.

Investigation staff: the administrator shall establish a field staff to investigate reports of violations and enforce the act.

Other changes: the definitions of remuneration, base period, benefits, claim for benefits, additional claim, benefit year, annual payroll, and computation date are changed or established. Changes are enacted with respect to eligibility for reduced contribution rates, penalties on late filing of employer contribution reports, interest on unpaid employer contributions, cancellation of penalties, issuance by the administrator of corrected determinations, processing of applications for determination of benefit rights and claims for benefits with reference to filing and parties to be notified, employment as a seaman, and salary of the administrator. [Amended Senate Bill No. 142, Amended Substitute Senate Bill No. 227, effective dates August 22, 1949 and October 13, 1949, OHIO GEN. CODE §§ 1345-1, 1345-2, 1345-4, 1345-6, 1345-8, 1345-10, 1345-13, 1345-18, 1346 and 1346-4 (amended); 1345-14 (repealed); 1345-3a (enacted).]

UNEMPLOYMENT COMPENSATION BOARD — salary of members and referees increased.

The salary of members of the unemployment compensation board of review was increased from \$6000 to \$8000, and the base salary of referees appointed by the board set at not less than \$5000 nor more than \$6000. Promotion and salary increases of referees may be ordered by the board subject to such classifications as may be made by the civil service commission. [Amended Senate Bill No. 140, effective date March 11, 1949, amended Senate Bill No. 336, effective date October 29, 1949, OHIO GEN. CODE § 1346-3 (amended).]

UNEMPLOYMENT — temporary, commission to study problem.

A 9-member commission is established to study the problem created by temporary unemployment due to disability or sickness incurred outside the scope of employment or while unemployed

(and therefore not compensable under unemployment or workmen's compensation laws). The commission shall be composed of 3 Senators, 3 representatives, and 3 other persons appointed by the Governor. The commission is to report its findings and recommendations to the next General Assembly. [Amended Senate Bill No. 134, effective date August 25, 1949.]

UNIFORM BOND ACT affected during 1949 and 1950.

See School districts, this index.

UNIFORM FOREIGN DEPOSITIONS ACT adopted.

See Depositions, this index.

URBAN REDEVELOPMENT — authority given to cities.

Cities may acquire blighted areas within their limits by condemnation or otherwise, clear them and transfer cleared areas to private hands for redevelopment in accordance with a development plan. Acquisition may be financed by use of general tax revenues or issuance of general obligation bonds. Federal aid may be accepted. [Amended Substitute House Bill No. 195, effective date September 29, 1949, OHIO GEN. CODE §§ 3941 to 3951 (enacted).]

UTILITY EXCISE TAX extended.

The excise tax on the gross receipts of utilities and the excise tax on the portion of the capital stock representing the capital and property used in this state by sleeping car, freight line and equipment companies, which tax, by House Bill No. 246, approved May 1, 1947, expired with the year 1949, is extended to include the years 1950 and 1951. [Amended Substitute Senate Bill No. 51, effective date April 14, 1949.]

VETERANS BENEFITS — guardianship to administer exempt from costs.

See Guardianship proceedings, this index.

VETERANS — compensation.

A court may authorize payment to a "suitable person" of the World War II compensation (Article VIII, Section 2b of the Ohio Constitution) due a minor or mentally incompetent person. The provision is not applicable where the minor is a veteran or the

widow of a veteran. [Senate Bill No. 355, effective date October 25, 1949, OHIO GEN. CODE § 10507-5a (amended).]

VETERANS — Compensation to those serving less than ninety days.

Veterans of World War II who did not serve on active duty at least ninety days, and hence are not eligible for compensation under Art. VIII, Sec. 2b of the Ohio Constitution, are granted compensation on substantially the same terms and conditions as those eligible under the constitutional provision. The compensation is, however, payable only from appropriated funds, and no part of the funds in the treasury to the credit of the World War II compensation fund established pursuant to the constitutional provision may be used. [Amended Substitute Senate Bill No. 110, effective date July 28, 1949.]

VETERANS — formation of non-profit corporations to provide housing for.

Any five or more veterans may form a corporation not for profit under the general corporation act to purchase real estate, construct houses for sale to members without profit, and for such purposes to borrow money and mortgage or pledge any assets of the corporation as security therefor. [Amended Senate Bill No. 385, effective October 25, 1949, OHIO GEN. CODE § 10186-31 (enacted).]

WAR MEMORIAL trustees may be appointed before bonds or tax levy authorized.

Prior to the vote authorizing bonds or an additional tax levy for a war memorial a local government unit may appoint a board of trustees to formulate plans for such memorial and may appropriate amounts reasonably necessary to defray the expenses of such board. [House Bill No. 249, effective date October 25, 1949, OHIO GEN. CODE § 3061-1 (enacted).]

WATER AND SEWER FACILITIES — authority to establish regional districts granted.

Authority is granted for the establishment of regional water and sewer districts which overlap two or more counties or municipalities, or both, to provide a water supply for domestic, industrial and commercial use and to provide for collection and disposal of storm and sanitary sewage. Revenue bond as well as special assessment financing is authorized. [Amended Senate Bill

No. 198, effective date September 29, 1949, OHIO GEN. CODE §§ 6781 to 6824 (enacted).]

WILD LIFE DIVISION may provide field trial areas.

The division of wild life of the department of natural resources is empowered to acquire lands to be used and developed for the purpose of conducting field trials for dogs. The field trial areas may be stocked with wild game. Persons or organizations may get a permit to conduct field trials in state-controlled areas. [Amended Senate Bill No. 47, effective date August 11, 1949, OHIO GEN. CODE §§ 1436-2, 1436-3, and 1436-4 (enacted).]

WINE to be sold under fair trade regulations.

See Liquor control, this index.

WITNESSES — contempt for failure to obey coroner's subpoena.

See Coroner, this index.

WORKMEN'S COMPENSATION — maximum payments increased.

The maximum weekly payment in cases of temporary total, temporary partial and permanent partial disability is increased from \$25 per week to \$30 per week. The number of weeks for which payment will be made for loss of a hand, arm, foot or leg is increased. By addition to the permanent partial disability list, provision is made for payments of twenty-five weeks for permanent loss of hearing in one ear and one hundred twenty-five weeks for permanent loss of hearing in both ears. Increases are made in the maximum payments allowable to dependents after the death of an injured employee who has received continuous payments, or who dies within two years of the injury, and whose death is a result of the injury. In a case of temporary total disability the industrial commission is to deduct from the employee's payments any payments which he has received under the unemployment compensation act and is to pay the amount so deducted to the bureau of unemployment compensation. [Amended House Bill No. 531, effective date September 1, 1949, OHIO GEN. CODE §§ 1465-79 to -82, 1465-89, 1465-90 and 1465-99 (amended).]

WORKMEN'S COMPENSATION payments to disabled veterans are adjusted.

If a veteran who was disabled while in active service between May, 1940, and the end of war with Japan receives a workmen's compensation award for an occupational disease or injury arising out of Ohio employment, the Industrial Commission shall determine what part of the compensation is attributable to the service-incurred disability. That portion of the compensation shall be paid from the statutory surplus of the state insurance fund (Gen. Code Sec. 1465-54) and shall not be merit-rated. The purpose of the act is to encourage the employment of disabled veterans. The facts of the service-incurred disability are to be established prima facie by records of the federal government, to be overcome only upon clear and convincing evidence. [Amended Senate Bill No. 193, effective date October 7, 1949, OHIO GEN. CODE § 1465-54a (enacted).]